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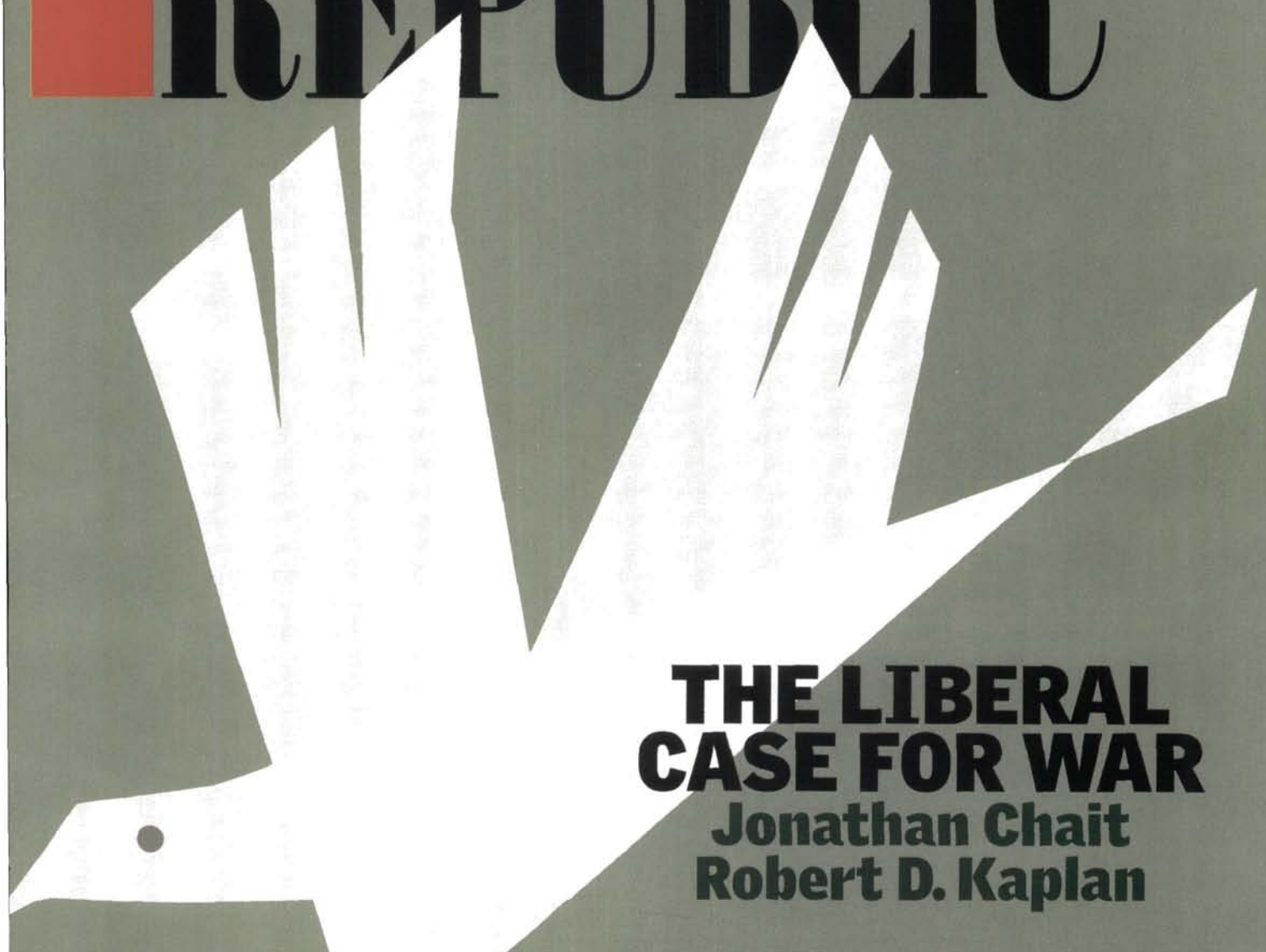

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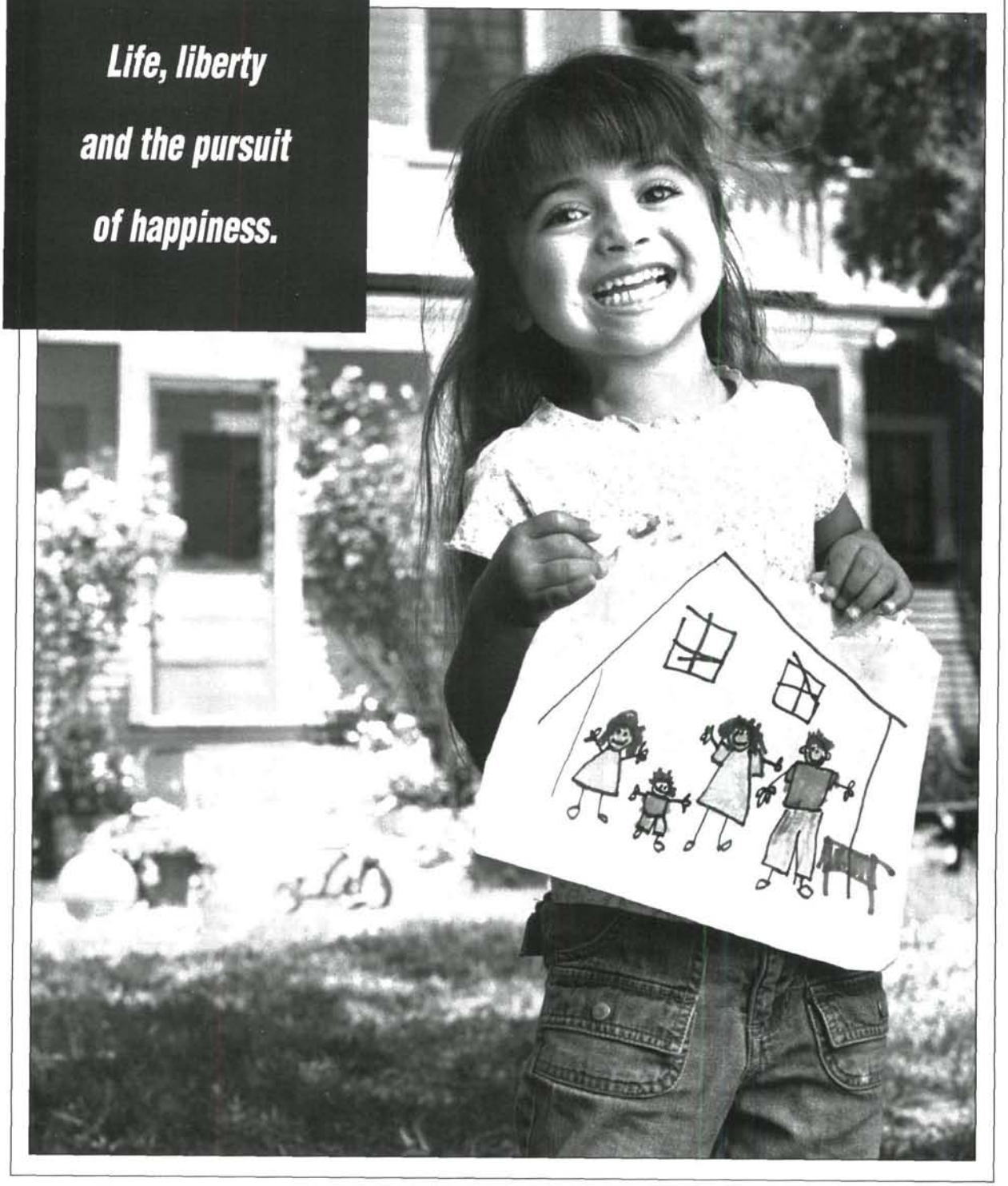

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TO THE EDITORS:

In "More than Zero" Martin Filler praises Denise Scott Brown's op-ed in *The New York Times* for advocating an incremental approach to the task of rebuilding downtown Manhattan (September 9 & 16). Such a fearful approach ensures that the result will be lacking in the utopian spirit of the World Trade Center's original vision. Nelson and David Rockefeller, together with the expertise of Robert Moses, imagined architecture capable of expressing the ideals of American democracy in the twentieth century and were able to create a new topographical condition as well as a redefinition of Manhattan's midtown-centered skyline.

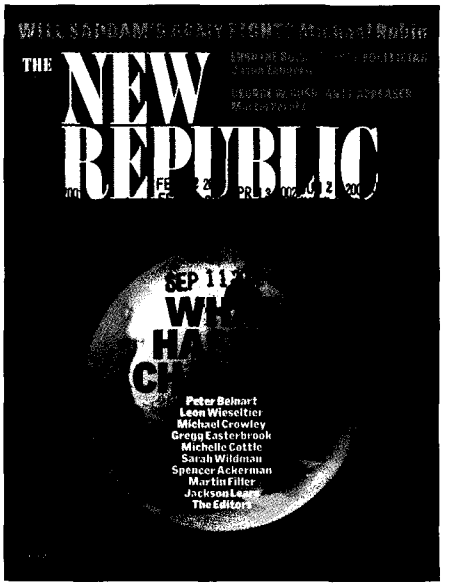
Filler's assessment of the twin towers as a failure sounds a little old hat. Surely they achieved the purpose of revitalizing the entire area, and Battery Park City would not exist without them. At this point, it is clear that the politicians are clueless, and so they advocate for their rather limited constituency of New York City developers. The case of *The New York Times* project was, in my mind, a hallucinatory attempt by Herbert Muschamp to be a "good" developer and is again a case of a developer parceling out the land to his friends.

As a New Yorker, I look to our mayor, Michael Bloomberg, to take possession of the land by legal means and to execute a process that would represent New Yorkers and others who consider New York the global city par excellence. A discussion would then begin regarding the zoning of the site (in terms of density, urban form, and use) and the architectural solution that could represent New York in the twenty-first century.

CARLOS BRILLEMBOURG
Architecture Editor
BOMB Magazine
New York, New York

MARTIN FILLER REPLIES:

If Carlos Brillembourg believes that "the utopian spirit of the World Trade Center's original vision" expressed "the ideals of American democracy in the twentieth century," then there's a bridge to the north and east of ground zero I'd like to sell him. The blatant crony capitalism of the Rockefeller brothers, amply documented in two studies of the World Trade Center project published a year before the attacks, cost the taxpayers of New York City and New York state untold millions in scandalously misdirected resources.



Especially during the years just after the twin towers were completed in the early '70s, when the city teetered on the brink of economic collapse, this grandiose and wholly unnecessary boondoggle was about as anti-democratic as you can get.

In hindsight, of course, there is a great deal of nostalgia for the lost behemoths, but that should not obscure a clear understanding of the historical record. In that vein, Brillembourg presumably means that "Battery Park City would not exist without" the towers because it is built on landfill excavated from the World Trade Center site. Yet the shoreline of lower Manhattan has been repeatedly expanded since colonial times, without the help of superfluous government-sponsored skyscrapers.

As for Brown's well-argued call for an incremental approach to redeveloping the World Trade Center, I see it as prudent rather than "fearful." Given the ill-assorted chorus line of exhibitionistic schemes proposed by the *Times*, and the results likely to emerge from the depressing list of recently announced finalists in the competition for the site held by the Lower Manhattan Development Corporation, there is much else to be fearful about. However, I agree with Brillembourg's plea for Mayor Bloomberg to take possession of the land and to proceed with the redevelopment in a more methodical manner.

Soldier on

TO THE EDITORS:

While I appreciated Jackson Lears's extended review of my book, *The Language of War*, I feel obliged to bring to

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TRB

FROM WASHINGTON

Colorless

ALL IN ALL, this is a pretty depressing election. Democratic candidates are saying as little as possible about the central issue of the day: Iraq. Republican candidates are pretending they never supported the partial privatization of Social Security, a GOP article of faith until the stock market went south. Neither party has much to say about the metastasizing budget deficit, since Democrats won't call for repealing the tax cut, and Republicans won't take on popular spending programs like the farm bill and prescription drugs. And even if the two parties were conducting a vigorous, honest debate, it wouldn't matter in most House districts, where gerrymandering has virtually guaranteed the reelection of incumbents.

But Election 2002 does have at least one ennobling characteristic: Race has never mattered less. This fall's campaign culminates a roughly decade-long decline in race's political significance. In 1988, with the murder rate skyrocketing, George H.W. Bush used Willie Horton as a proxy for white fears of black crime. But the steady drop in crime throughout the 1990s has taken that racially loaded issue largely off the table. In 1990, Jesse Helms secured reelection against a black opponent with his notorious "white hands" commercial, which exploited white resentment against affirmative action. But the late '90s boom made "angry white men" a lot less angry, and the GOP has decided that bashing "quotas" loses them more votes among women and Hispanics than it gains them among bubbas. Welfare, the third leg in the GOP's racially coded triad, died as a political issue after Bill Clinton signed welfare reform in 1996. By 2000, George W. Bush was downplaying his opposition to affirmative action and his support for the death penalty in an effort to convince the United States he was a "compassionate conservative."

But it is this year that the full effect of race's political decline is being felt. Between 1986 and 1994, when race was still a crucial weapon in the GOP's arsenal, the party elected a host of high-profile governors throughout the industrial Northeast and Midwest. These governors—in New York, Pennsylvania, Illinois, Michigan, and Wisconsin—produced many of the policy innovations that defined the '90s GOP. They, more than the Gingrich Congress, were responsible for the widespread sense that the GOP was the more intellectually creative of the two parties.

But this year Democrats will likely take control of the governors' mansions in all of those states except New York (where incumbent George Pataki has swung way left to ensure his reelection). These newly elected governors—Jennifer Granholm in Michigan, Ed Rendell in Pennsylvania, Rod Blagojevich in Illinois, Jim Doyle in Wisconsin—will give the Democratic Party what it sorely lacked in the '90s: a bench. Because of them, the coming decade could well be an era of Democratic policy innovation. And they are winning because in America's big industrial states, the suburbs no longer vote Republican against the Democratic cities. Which is to say, these elections are no longer being determined by race.

The candidates most affected by race's declining significance, however, are black. And they are being affected in two ways. The more obvious effect can be seen in Texas, where Ron Kirk, the black former mayor of Dallas, is doing surprisingly well in his campaign for the Senate. One reason he's doing well is that the Texas GOP seems to think racially tinged attacks no longer work. When Kirk was nominated, his opponent, Attorney General John Cornyn, responded with an ad that featured a black child sitting on his knee. When Cornyn's campaign manager called the Democratic ticket (which features a Hispanic nominee for governor) the product of "a racial quota system," Cornyn quickly disavowed the statement, saying, "I just want to make it absolutely clear that race is not going to play any part in his campaign." And by and large, he has stuck to his pledge. In fact, the only time race explicitly entered the campaign was when Kirk injected it himself—by suggesting that Cornyn supported an Iraq war partly because a disproportionate number of the soldiers would be nonwhite.

It's not just in Texas that white voters seem more open to black candidates. In 1990, the Georgia state legislature drew three overwhelmingly black congressional districts—on the then widespread assumption that black candidates could only win in districts that were at least 65 percent black. But this year it has done virtually the opposite—spreading blacks over a larger number of districts on the new theory that, according to the Columbia University political scientist who testified before a state redistricting hearing, black candidates have a fair shot at victory in districts that are only 44 percent black. So far, that theory is being borne out. Black candidates are running strongly in two majority-white districts. And as a result, even though Georgia's racial composition hasn't significantly changed, the state may next year boast five black members of Congress instead of the current three.

But today's relatively deracinated political environment isn't only making white voters less susceptible to racially tinged appeals; it is making black voters less susceptible as well. This summer, two black incumbents—Georgia's Cynthia McKinney and Alabama's Earl Hilliard—lost to black primary challengers. Hilliard and McKinney had been erratic, ineffective representatives for years, but like other under-performing black politicians, they had played the race card to discredit potential opponents.

This year, however, it didn't work. McKinney tried to portray her opponent, Denise Majette, as a tool of whites and Jews. But Majette took enough of the black vote, particularly in middle-class precincts, to win easily. As William Boone, a political scientist at historically black Clark Atlanta University told the *Chattanooga Times*, "Cynthia has the civil-rights-era politics down pat. But the voters were looking for someone more focused in the issues." Similarly, in Alabama, Hilliard all but called his opponent, former prosecutor Artur Davis, an Uncle Tom. "The only thing he's done for black people," Hilliard scoffed, "is put them in jail." But Davis focused on Hilliard's failure to secure better services for the impoverished district and won a majority of the black, as well as white, vote. Commented Richard Arrington, a former Birmingham mayor and longtime civil rights activist, "It may also be a commentary on how... secure blacks are in our society today. ... They don't feel they need to maintain that herd instinct."

In other words, the declining political significance of race is not only helping moderate black candidates like Kirk, Majette, and Davis win white votes, it's helping them win black votes as well. The day when white and black voters truly judge politicians by the content of their character remains, of course, a long way off. But this fall it's closer than ever before. And in this otherwise dismal election season, we can at least take satisfaction in that.

PETER BEINART

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Prison Break

LAST WEEK CNN ran a feature on its website about the decline of prison education. The article pointed to a worrying trend: Congress effectively defunded post-secondary prison education eight years ago, and states have failed to make up the difference. "[W]hile prison budgets have gone up, prison education budgets have either remained the same or have gone down," Stephen Steurer, executive director of the Correctional Education Association (CEA), told THE NEW REPUBLIC. This has only worsened in the last year as Democratic and Republican state leaders, struggling to make ends meet in a faltering economy, have been strangling the paltry correctional education funds even more. Twice in the past two years Governor Gray Davis has vetoed a measure that would grant all of California's inmates access to college-level classes. And Maryland's post-secondary prison education programs may well end altogether when a grant that underwrites most of the $1.2 million enterprise dries up this year. All of which should give us pause. Not because inmates *deserve* education, but because educating them is the most cost-efficient way to ensure that prisoners—95 percent of whom eventually leave prison—don't return.

Inmates first became eligible for federal education assistance in 1965 under Title IV of the Higher Education Act, which allowed all low-income prisoners to apply for college financial aid in the form of Pell Grants. By 1982 hundreds of post-secondary prison education programs flourished in 45 states. But in 1994, under political pressure to get tough on crime, Congress passed the Violent Crime Control and Law Enforcement Act, which included a provision disqualifying prisoners from receiving Pell Grants. In the years since, as states have failed to pick up the slack, the majority of higher-education prison initiatives across the country have been shut down.

The crime bill provision was a convenient and politically frictionless maneuver. It was also a profoundly foolish one. For one thing, studies have shown that higher education behind bars dramatically reduces recidivism, which typically sits between 40 and 60 percent. According to a 1997 report by the Center on Crime, Communities & Culture at the Open Society Institute, inmates with at least two years of college education have a mere 10 percent rearrest rate. Last September a study of 3,200 prisoners in Maryland, Minnesota, and Ohio by the CEA found a 29 percent reduction in re-incarceration rates for those who had correctional education. And *The New York Times* noted last June that the Bedford Hills Correctional Facility in New York reported a 7.7 percent recidivism rate for prison college attendees, as opposed to 29.9 percent among those who didn't participate.

Compared with the expense of re-incarceration, post-secondary prison education is a bargain. New York's program costs an estimated $2,500 per inmate annually, while incarcerating one individual for one year runs about $25,000. In April 2001 *Fortune* magazine cited a study that explored three decades of prison college education; it found that every dollar spent on education resulted in $1.71 in reduced crime costs. And in the late '90s the RAND Corporation reported that crime prevention was more cost-effective than building prisons and that education was the cheapest method.

In the face of such compelling benefits, why has prison education been so dramatically slashed? In 1994 congressional leaders from both parties opined that money for inmate education was being siphoned away from law-abiding students. Representative Bart Gordon, the Tennessee Democrat who sponsored the original House legislation to ban Pell Grants for prisoners, wrote a letter to *The Washington Post* in February 1994 explaining that the programs had "contributed to reductions in eligibility for traditional students." But Gordon was wrong: Every Pell Grant applicant who met the grant's need-based criteria received money *regardless of the number of qualified applicants.* What's more, the amount the government spent on Pell Grants for prisoners annually amounted to $35 million—less than 1 percent of the $6 billion program.

State legislatures have tried to compensate for the federal void in prison education funding and have been helped by private contributors and teacher volunteers. But under budgetary duress, states have continued in recent months to shy away from such programs. Just this week Idaho Corrections Director Tom Beauclair had to warn the state legislature that its scheduled $3.9 million corrections budget cut—on top of last year's $4.5 million reduction—would eliminate most of the state's remaining prison education programs. Such cuts won't be an issue in any of next month's elections. But they should be. Not because the cuts betray criminals—but because they betray the public good. ■

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NOTEBOOK

BROTHER, CAN YOU SPARE A BILLION?: A few weeks ago THE NEW REPUBLIC received a letter from Florida Governor Jeb Bush taking exception to our recent cover story documenting how George W. Bush's administration was shoveling a disproportionate share of federal funding to the Sunshine State in an effort to boost his little brother's reelection prospects ("He Ain't Heavy," by Ryan Lizza, July 29). Any extra federal money going to Florida was the result not of crass political favoritism, Jeb argued, but of something he called his "new paradigm in governing." (Jeb added that W. was supporting this paradigm "not because he is my brother but because he is a former governor himself"—an argument that would seem equally applicable to the other 49 states.) As it turns out, however, Jeb is pushing a somewhat different line on the campaign trail as he tries to halt the momentum of Democratic challenger Bill McBride. He has taken to arguing that if McBride is elected, it will cost the state billions of dollars in federal Title I education funding. The rationale Jeb offers is that McBride's education plan does not conform to the new "No Child Left Behind Act" signed by President Bush last January. Jeb has even taken to citing a stern letter from the U.S. Department of Education warning that Secretary Rod Paige is "prepared to withhold Federal Title I funds from states that do not implement the law." The problem, as Florida papers have taken pains to point out, is that there's nothing in McBride's education plan that would violate the new law. Indeed, the only plausible reason that Florida would stop receiving federal bounty if Jeb isn't reelected—and he is clearly trying to imply this on the stump—is that the state only received it in the first place because its governor was the president's brother. So either Jeb is lying now about Florida losing federal money if McBride wins or he was lying to us when he claimed that Florida's outsized share of the federal pie had nothing to do with brotherly love. Which is it, Jeb?

DEPARTMENT OF FOXES AND CHICKEN COOPS: Only a few months ago it seemed like Securities and Exchange Commission (SEC) Chairman Harvey Pitt couldn't leave his house, much less make important policy decisions, without the media scrutiny. But last week, when word leaked that Pitt was backing away from selecting a pension-fund executive named John H. Biggs to head a newly created oversight board for the accounting industry, the news was relegated to page E3 of *The Washington Post*. That's a shame, because the Biggs story was indeed a big story. The chairman and chief executive of TIAA-CREF, Biggs—who has advocated restrictions on auditors that are tougher than those Congress instituted this past summer—was reportedly SEC officials' top choice for the new post as of early September. But the accounting industry and Republican Representative Michael Oxley of Ohio—alarmed by Biggs's tough stances—have pushed back on Biggs's appointment, and Pitt has apparently caved. (Given Pitt's own ties to the accounting industry, we doubt they had to push that hard.) Even worse, according to the *Post*, Pitt favors putting a man named Donald J. Kirk on the five-member oversight board. A former member (as is Biggs) of the now-defunct Public Oversight Board, an industry-funded group that was supposed to—but obviously did not—supervise accounting firms in the 1990s, Kirk was known as a cheerleader for the accounting industry during his tenure. "He always was a defender of the profession," former board member Melvin R. Laird told the *Post*. In other words, Pitt—in his appointments to the new oversight board—appears on the verge of doing the accounting industry's bidding not once, by nixing Biggs, but twice, by ensuring the accounting industry gets its man on the board. Too bad we had to read about it on page E3.

IN THE BEDROOM: Ever since Erskine Bowles announced that he was running for Senate in North Carolina, he's been distancing himself from the pro-NAFTA stance he took while serving in the Clinton administration. It's not hard to see why: While the trade accord was one of the Clinton administration's great achievements, NAFTA is not very popular in North Carolina, where it cost thousands of the state's textile workers their jobs. One of Bowles's favorite NAFTA-distancing, textile-industry-endearing tactics has been to invoke his wife, Crandall Close Bowles, who is the chief executive of Springs Industries, a textile company based in South Carolina. "Anybody who thinks I don't care about the textile industry, I sleep with the textile industry," Bowles said at a recent campaign event in Greensboro. But, as Bowles's Republican opponent Elizabeth Dole made clear in a recent TV commercial, Bowles's relationship with the textile industry cuts both ways. "Erskine Bowles . . . says he'll protect our jobs from Mexico and China," the Dole ad says. "But his two-billion-dollar family textile company is laying off North Carolina workers and buying textile facilities in Mexico and China." Rather than respond to the attack ad on its merits, Bowles has lambasted Dole for mentioning his wife. "She has the gall—the absolute gall—to attack my wife," Bowles told reporters. "She better leave my wife alone." Sorry, Erskine, but Liddy wasn't the one who invited voters into your bedroom.

ARMY OF ONE: Outgoing House Majority Leader Dick Armey is leaving Congress not with a whimper but with a roar. Last month he described liberal Jews as "shallow" and "superficial" and claimed that liberals in general "don't think deeply. They don't comprehend." This month he's embarked on one of the more breathtakingly hypocritical political vendettas in recent memory. Armey, as anyone familiar with his political career can attest, has never exactly been a champion of federal regulation of media monopolies. Earlier this year, for instance, Armey came out in favor of the proposed merger of the nation's two largest satellite-TV companies, urging Attorney General John Ashcroft to keep

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"the heavy foot of government off the necks of these growing businesses." But lately, as Michelle Cottle has noted in her weekly column at TNR.com, Armey has decided that perhaps media monopolies pose a problem after all—or rather that one particular media monopoly does. This week the majority leader was caught trying to sneak language into a military appropriations bill that would require any media companies that—within the same media market—owned a network-affiliated TV station, a newspaper with a Sunday circulation of at least 750,000 and no major competitor, and a second daily with a Sunday circulation of no more than 25,000 to divest themselves of at least one of those properties. Funny thing is, as far as anyone can tell, those rather exacting criteria apply to just one media conglomerate: Belo Corporation, which in addition to *The Dallas Morning News* also owns *The Denton Record-Chronicle* and the ABC-affiliate WFAA. As Armey spokesman Terry Holt explained to *The Washington Post*, "In America, the press is responsible for informing the public and providing a forum for free debate. ... In this case, this particular corporation has almost a stranglehold on Mr. Armey's constituency in Mr. Armey's district." But a better explanation for Armey's sudden interest in media consolidation was offered by the majority leader himself, following his son Scott's unsuccessful candidacy to replace him in Congress. Both the *Morning News* and the *Record Chronicle*, you see, ran articles critical of Scott Armey, and when he lost the GOP primary in April, Dad went ballistic, accusing reporters at the papers of "vicious unprofessionalism" and "an outrageous vendetta." Which are both, come to think of it, pretty good descriptions of Armey's sleazy little attempt at political payback.

THANKS FOR CLEARING THAT UP: "[Osama bin Laden is] either alive and well or alive and not too well or not alive."—Defense Secretary Donald Rumsfeld, October 7

OF THE MAKING OF BOOKS THERE IS (HAPPILY) NO END: We are delighted to celebrate the appearance of David Rieff's new book *A Bed for The Night: Humanitarianism in Crisis*, just published by Simon and Schuster: Some of the arguments of this deeply urgent and provocative book will be familiar to readers of TNR's pages. We also celebrate the appearance of Adam Kirsch's book of poems, *The Thousand Wells*, just out from Ivan R. Dee, in which the critic of poetry turns beautifully to the practice of poetry. Also, Leon R. Kass's *Life, Liberty, and The Defense of Dignity* (Encounter Books), Terry Castle's *Boss Ladies, Watch Out! Essays on Women, Sex, and Writing* (Routledge), and R.F. Foster's *The Irish Story: Telling Tales and Making It Up in Ireland* (Oxford University Press)—all of which include essays that were proudly printed in our pages. ■

INSIDE THE BOX | Bruce Reed

IT'S THE TYRANNY, STUPID

Iraqis go to the polls for the presidential election on October 15. Saddam's new slogan: Four more weeks!

TORCH SCREEN

Congress approves voting-reform bill. Voting machines' new touch-screen technology will automatically replace each party's sure losers with nearest available millionaires.

FUNNY GIRL

Right wing has field day over Streisand peace memo to Democrats. When Karl Rove asked for Hollywood's help in the war on terrorism, this is exactly what he had in mind.

MIND OVER MATTER

Bush administration report urges Americans to "share the president's confidence and optimism" on the economy. Cheer up: 401(k) is just another word for nothing left to lose.

FEAR OF FLYING

Shoe bomber Richard Reid pleads guilty, shows no remorse. It could have been worse: If he'd lit a fuse in his pocket, airport screeners would be asking every third passenger to take off their trousers.

LIVE FROM NEW YORK

Will Ferrell's exit leaves "Saturday Night Live" with no president, just Cheney. It's not very funny in real life, either.

COOKING TIPS

Martha Stewart resigns from NYSE board as feds close in. Perfect for grilling; serves five to ten.

HIGH NOON

Ari Fleischer calls on Iraqis to shoot Saddam; Iraqi V.P. suggests Bush-Saddam showdown with pistols. Mamas, don't let your spokesmen grow up to be cowboys!

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Why Saddam is worse than Slobo.

Slave State

By ROBERT D. KAPLAN

WHERE ARE ALL the humanitarian interventionists now? After all, throughout the 1990s they beat the war drums for military intervention against Serbian dictator Slobodan Milosevic, who is responsible for the deaths of only one-quarter as many people as Saddam Hussein. In the vast network of prisons, torture chambers, and poison-gas fields of Iraq and its border areas, Saddam bears responsibility for the deaths of a million people. He instigated the Iran-Iraq war of 1980-1988, during the course of which I watched one of his handpicked generals poke the dead body of an Iranian teenager—killed by chemical weapons—while explaining to reporters that it was like using a spray can to kill mosquitoes.

Saddam is not just another dictator with whom we have to live. On a moral plane, even by the dismal standards of the Middle East, he is sui generis. The degree of repression is so severe in Iraq that whenever I would journey from Saddam's Iraq to Hafez al-Assad's Syria in the 1980s, it was like coming up for liberal humanist air. In Syria, despite the repression and the personality cult, you heard grumbling about the regime and could travel freely about the country, talking easily with people. Iraq was like the vast exercise yard of a penitentiary lit by high-wattage lamps, in the sense that nobody whispered a political complaint, and police permission was required to travel from one town to the next.

After I had my passport taken away from me for ten days by the Iraqi security police in 1986, an American diplomat in Baghdad told me that Iraq's was the most cowed population in the Arab world, and if the security services get it into their heads that you are suspicious, there is nothing anybody can do for you. Three years earlier, an American technician for Baghdad's Novotel hotel, Robert Spurling, had been taken away from his wife and daughters at Saddam International Airport and tortured for four months with electric shock, brass knuckles, and wooden bludgeons. His toes were crushed and his toenails ripped out. He was kept in solitary confinement on a starvation diet. Finally, American diplomats won his release. Multiply his story by thousands, and you will have an idea what Iraq is like to this day—at least, that is, until a Western leader has the gumption to stop it.

The only sensible comparisons with Saddam are Joseph Stalin, Romania's Nicolae Ceausescu, and Ethiopia's Communist tyrant Mengistu Haile Mariam, whose forced collectivization program in the '80s led to the deaths of hundreds of thousands in addition to the million or so who died of famine. Milosevic may be a war criminal, but his dictatorship was in many respects a subtle one that allowed for open power struggles and even for party politics and street protests. Milosevic did his share of political killing, but retaining his hold on power was often a matter of bribing and manipulating his political adversaries. Saddam only kills. After his health minister, Dr. Riyadh Ibrahim, criticized Saddam's handling of the Iran-Iraq war, Ibrahim was shot and his body cut into pieces and delivered thus to his family. There are no politics in Iraq, no engaging coffeehouse discussions to the degree that there are throughout the rest of the Arab world. This is the lone Arab equivalent of the worst East European satellite state during the cold war ice age. Individuality has been so submerged over the decades by fear that man-in-the-street interviews reveal less the expression of the individual than whatever the mass psychology happens to be at the moment: *The Iranians are our enemy. The Americans are our enemy.* The regime's illegitimacy requires not only repression but the discipline of wartime mobilization to stay in power.

INVADING IRAQ WOULD be a humanitarian intervention if ever there were one. Of course, we will invade primarily for strategic reasons. But that was also true of Bosnia. In foreign policy, moral questions are ultimately questions of power: The ethnic cleansing in Bosnia in the early and mid-'90s was coterminous with similar large-scale ethnic killings in Abkhazia, Nagorno-Karabakh, and Ossetia. But what gave a particular edge to the moral arguments for intervention in Bosnia rather than in those other places—all in the Caucasus—was the fact that the bloodshed in Bosnia threatened not only the stability of Europe but the very existence of NATO at a time, following the fall of the Berlin Wall, when its mission was uncertain.

After our 1995 intervention in Bosnia, the argument changed from should NATO *exist* to should NATO *expand*. Intervention in Bosnia made NATO's expansion into Central Europe possible, just as intervention in Kosovo now makes possible a further expansion of the alliance to the Black Sea. Similarly, intervention in Iraq—in addition to decapitating a nuclearizing terrorist regime—will allow us, finally, to extinguish the legacy of the cold war in the Middle East.

At the height of the cold war, sectarian dictatorships arose across the Arab world that employed the institutions of the modern European state and the security-service methodology of the East bloc to erect tyrannies more intensely suffocating than any since antiquity. Because Iraq was the most developed of these nations with the most educated populace, and because of its particularly virulent ethnic divides between Kurds, Sunnis, and Shiites, its police state became the worst of all. Iraq is now the reigning symbol of that old order, its Baathist Party, through which Saddam rules—a calcified variant of Marxist ideology.

ROBERT D. KAPLAN is a correspondent for *The Atlantic Monthly*. His books include *Warrior Politics: Why Leadership Demands a Pagan Ethos* and *Eastward to Tartary: Travels in the Balkans, the Middle East, and the Caucasus.*

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This does not mean that removing Saddam will bring American-style democracy to the Middle East. It would be foolish of us to impose our historical experience on, for example, the peoples of the Maghreb, the Arabian Gulf, and the Red Sea strait, whose kings, emirs, and tribal councils have evolved in ways that allow for their own, often-ingenious brand of consultation with the masses. Rather it means that a display of American power and resolve will, in a more general way, embolden the forces of historic liberalism in the region at a time when militant Islamists are already on the run in many countries. Precisely because we cannot save the old order in places like Egypt and Saudi Arabia, we should at least give direction to the new.

The last time an American leader faced this kind of domestic and international opposition and stood fast against it in order to break down the walls of tyranny was in 1983, when President Ronald Reagan deployed Pershing missiles in Western Germany against the advice of the liberal foreign policy establishment and many world leaders. Disarmament demonstrations raged in the United States and in Europe, but Reagan would not yield. Thus, he helped convince a sclerotic Soviet Communist Party that a new, more dynamic kind of leader in the Kremlin would be required to deal with him, and so Mikhail Gorbachev rose to power.

Reagan's decision to deploy the nuclear missiles—a turning point in the cold war—could not by itself be defended by any universal morality, but it had a vast and profound moral result. The same will be true of an invasion of Iraq, just as it was of our invasion of Afghanistan. Make no mistake: This is a Reaganesque moment. For years intellectuals have pined for simple and consistent moral leadership on life-or-death foreign policy issues, leadership that does not cleverly parse words or twist and turn in the winds of politics and opinion polls for the sake of a tactical career advantage. Well, now they've got it. All of them, not just the neoconservatives, should support President George W. Bush's and Prime Minister Tony Blair's proposed humanitarian intervention in Iraq. ■

On the Hill

Speech Defect

By Michael Crowley

As they began their debate over Iraq last week, senators rose one after another to promise a history-making deliberation. "[W]e embark on this historic debate," intoned Virginia Senator John Warner Friday morning. "We will see in the days to come the evolution of one of the greater debates in the contemporary history of the Senate." Warner later promised that "we are going to perhaps even exceed the thoroughness, the thoughtfulness, and the strength in the debate we had in 1991," before the first Gulf war. Republican Leader Trent Lott added that "the Senate will, once again, show why it is called 'the greatest deliberative body.' "

If only. By midweek the Senate debate over Iraq had become less a historic exercise in democracy than a showcase for banality and self-importance—one that showed little hope for improvement as it threatened to drag on, thanks to cunning stall tactics by the mule-stubborn West Virginia Democrat Robert Byrd, into a second week. Contrary to Warner's assertion, the Iraq debate hasn't recalled any great moments in recent history or even the relatively impressive 1991 Iraq vote. Part of the problem is the preordained nature of the vote. The 1991 resolution, which barely passed the Senate by a 52 to 47 vote margin, involved a measure of suspense. It was not clear beforehand what many senators were going to say; many seemed to speak with a truly heavy heart. That's hardly the case now. This war resolution will pass overwhelmingly with support from nearly every Republican and a majority of Democrats. With a few exceptions, notably Byrd and Paul Wellstone, senators are less interested in conducting an actual debate than in getting a little airtime to recite the same politically popular points over and over and over, ad nauseam.

Lott kicked off the debate last week with remarks that sounded like they'd been scrawled on the back of a napkin. "[W]e got plenty mad last year because of the horror we saw here at home," Lott explained, his voice strangely bereft of inflection. "We now realize the danger is not just 'over there,' as they said in World War I and World War II. Oh, no, it is here." This insipid oratory set the tone for what was to follow. Typical was the Monday speech of Republican George Allen from Virginia. Despite having served a term as Virginia's governor, Allen read uncomprehendingly from a prepared text like a high school jock running for class president. "The history of military action shows there are frequently unintended consequences and unseen dangers whenever the military is utilized," Allen droned. "Can one imagine a nuclear weapon in the hands of Saddam Hussein? Let's not forget this is a head of state who has demonstrated his willingness to use chemical weapons on other nations and his own citizens with little or no reservation," Allen continued, adding exactly nothing to anyone's understanding of the issue. But that was par for the course.

And when senators did offer new information on the floor it was, as often as not, wrong. On Friday, for example, Ted Kennedy blurted out a startling assertion. "What about North Korea?" he roared. "They've already got nuclear weapons!" Kennedy presumably recognized his error after the fact. Thanks to an apparent airbrushing, the Congressional Record now renders Kennedy saying, "They *may have* nuclear weapons." (Even that isn't likely.)

It's little wonder, then, that even fellow senators can't bear to listen to one another. During most of the debate this week, the floor was nearly empty. At most a handful of senators

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milled about at any one time—and even then only because they were waiting for their turns to speak. This inattention applied even to Warner, the purported enthusiast of high discourse. Tuesday saw one of the relative high points of the debate as Wellstone rose to explain, in his trademark impassioned style, his objections to a unilateral use-of-force resolution. As his Minnesota colleague got rolling, however, Warner crossed the Senate floor and began chatting with Kennedy, who was seated just two desks away from Wellstone. An exasperated Wellstone had to ask them to be quiet—twice. More comical still was Warner's reaction to a particularly excruciating speech by freshman Democratic Senator Ben Nelson of Montana. As Nelson held forth—"[This] is an endeavor that the United States should not undertake alone which, in my opinion, strengthens the need for any use of force to be multilateral"—Warner strategized intently with an aide seated beside him on the Senate floor. But when Nelson finished his remarks, Warner snapped to like a man who had been caught napping. "I thank our colleague for his contribution to this debate. Listening to him, as I have to all the others who have spoken today, underscores the importance of each senator hoping to contribute to this debate," Warner bluffed.

Further undermining any sense of history-in-the-making was the specter of electoral politics hovering over the proceedings. The list of the resolution's co-sponsors, for instance, reads like a who's who of vulnerable incumbents. Joseph Lieberman made a point of asking that the names be read on the floor Tuesday. Of the twelve senators listed who are not primary sponsors—such as Lieberman, John McCain, Warner, and Evan Bayh of Indiana—five are imperiled candidates: Democrats Mary Landrieu, Tim Johnson, and Max Baucus and Republicans Wayne Allard and Tim Hutchinson. Allard even managed to finagle his way into a Tuesday press conference with the four lead sponsors of the bill, where he basked in the cameras' glow but uttered not a word. None of these senators is known as much of a foreign policy leader, but of course that's not the point: Bragging rights back home are.

A handful of senators have been distinguishing themselves. Rather than simply repeat the points that a dozen colleagues had made before him, Lieberman actually offered new insights and facts—quoting, for instance, from a study about Saddam in a new book by former National Security Council staffer Kenneth Pollack, to explain "the radical upbringing [Saddam] had ... the extent to which he fell under the so-called pan-Arabist influences to create a power that would gain control over the entire Arab world." (One suspects Lieberman is one of very few senators who has actually read a book on this subject recently.) On Wednesday John Kerry struck a wise balance, supporting the resolution while assailing the White House's shifting pro-war arguments. And Republican Robert Bennett offered the intriguing (though not particularly reassuring) argument that there is no "right" answer to the Iraq question—ultimately the president must go with his gut, not his head. "[T]his is a truly presidential decision fraught with so many unknowable consequences and possible side effects that no one, no matter how smart, can accurately analyze them in advance and come to a neat and tidy and firm conclusion."

But for sheer entertainment value, no one could compete with Byrd's theatrical efforts to delay a vote. The octogenarian, who believes the Iraq resolution amounts to an unconstitutional "blank check" for the president, may be driving his colleagues crazy with his endless filibustering speeches. But he was a delight to watch in action, a whirlwind of historical references and rhetorical devices. Byrd waved the printed text of the resolution furiously in the air and referred to it as "a rag" and a "vast waste of verbiage." He shouted that if Congress passed the resolution, its members should hang a "gone fishing" sign atop the Capitol and quit their jobs. He pulled a dog-eared copy of the Constitution from his breast pocket and flapped it about, as if taunting his colleagues, whom he accused of having "rubber spines." He quoted James Madison, saying, "The trust and the temptation" to wage war "are too great for any one man." "Hear his voice," Byrd thundered, "as it rolls across the decades of history!" It may have been a tad demagogic, but it was at least earnest and impassioned—and better fulfilled Warner's grandiose predictions than anything else I saw. Too bad only three other senators were around to hear it. ■

White House Watch

Tug of War

By Ryan Lizza

When Hans Blix—the affable septuagenarian Swede who may one day decide if the United States goes to war with Iraq—showed up in Washington last Friday for a meeting with Secretary of State Colin Powell, there were a couple of unexpected attendees in the room. Blix, the chairman of the U.N. disarmament agency charged with ridding Iraq of its chemical and biological weapons, had come to the State Department to brief the United States on his negotiations with Iraqi officials in Vienna earlier in the week. But in addition to Powell, Defense Secretary Donald Rumsfeld's deputy, Paul Wolfowitz, and Dick Cheney's chief of staff, Lewis Libby, joined the meeting as well. The two men and their bosses are now universally regarded as the most hawkish members of the Bush administration. And there are few people the hawks trust less these days than Powell and Blix. So it seems that Cheney and Rumsfeld dispatched some of their own muscle to the meeting. It may have had the desired effect: Blix announced afterward that, as the Americans requested, he would delay the return of weapons inspectors to Baghdad until the Security Council strengthened his mandate.

The hawks have begun asserting control over Powell's U.N.

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negotiations in other ways too. Take, for example, one seemingly innocuous line from Bush's speech in Cincinnati on Monday night. When Bush spoke about what he wanted from a new U.N. resolution, he made the familiar and broadly supported demand that Iraq destroy all its banned weapons and give inspectors unfettered access to all sites. But he also singled out one specific demand mentioned in the tough U.S. draft resolution, which was the administration's opening bid in negotiations at Turtle Bay. Bush said that witnesses with knowledge of the regime's weapons programs should be allowed to leave Iraq, along with their families, for interviews with inspectors. To some Security Council officials, this is the sort of demand that raises questions about Bush's desire to get a deal. "Whoever put that in there doesn't know much about Mesopotamian families," jokes one Council diplomat, noting that Iraqis have lots of relatives, "or was trying to sabotage the process." But among U.S. hard-liners, the demand was welcome. "There were many people who thought that we could give on that," says a U.S. official. "The president laid down the law that that was one area we're not negotiating on. That stiffened the State Department negotiators."

Still, U.S. policy is far from set. According to American officials as well as Security Council diplomats, the administration is still debating whether the United States should seek a tough but workable inspections regime or one designed to fail and serve as a predicate for war. "If your goal is to maximize the chance of useful inspections, you'll do one thing," says an administration official, "but if your goal is to maximize the chance of Saddam saying no so you can invade, you'll do another."

And in fact, for all the signs that those eager to see inspections fail were again in charge, Bush's speech also offered evidence to the contrary: It included his most significant retreat from the U.S. policy of regime change. If Saddam complied with U.N. resolutions, Bush said, "these steps would also change the nature of the Iraqi regime itself." In case there was any ambiguity, Bush's spokesman Ari Fleischer noted the following day that if Iraq acceded to Bush's demands, "the regime would have changed its very nature." In other words, Bush endorsed Powell's definition of regime change as something short of Saddam's ouster. Obviously the 1998 Iraq Liberation Act making Saddam's overthrow a U.S. goal never included such a Clintonian definition of regime change, but Bush seems to realize how much this policy is hurting America's Security Council diplomacy. This new definition "shows Powell's influence on this is continually underestimated," says an official close to the secretary. And Powell immediately seized on Bush's reversal. Speaking to international wire reporters the next day, he said, "There is one sentence in the president's speech in which he talks about the need for the regime to change. And, if they finally cooperate and stop all the games, stop doing what they have been doing for all these years, and did cooperate, would that suggest there has been a change in regime? That would satisfy the international community." Of course it doesn't satisfy hawks in the administration, many of whom lobbied for the 1998 legislation. "Now regime change could possibly mean disarmament," notes one official despondently.

That change in emphasis in Bush's speech was greeted warmly at the United Nations. "It was a speech that worked well for this audience," says a diplomat from a veto-wielding country. "The hawks have been quiet, and the president has been very cautious," adds another Security Council official. "There is a general consensus that he is downplaying regime change." Another Council diplomat enthusiastically notes, "He spoke as if he were trying to reach out to the Security Council."

Still, as always, just when this administration seems to be swinging one way, conflicting evidence suggests a move in the opposite direction. With Powell making progress on a new inspection regime after Monday's speech, on Tuesday the Pentagon put on a lengthy and detailed slide show for the press by a Defense Intelligence Agency (DIA) officer documenting Iraq's efforts to conceal its weapons programs. The officer showed slide after slide of flow charts and satellite imagery detailing Iraq's various strategies for sanitizing suspected weapons sites, concealing programs, and blocking and conning inspectors. One slide showed a 1998 front-page headline from *The Washington Post*: "A FUTILE GAME OF HIDE AND SEEK." The briefing's overall message was clear. "[T]he inspection regime cannot provide any level of assurance that a country is not conducting illicit activities," the DIA officer warned.

As long as they continue, these mixed signals will complicate negotiations over a new resolution at the United Nations. Says the Carnegie Endowment for International Peace's Jessica Mathews, who has been working with several Security Council members, "What's really worrisome to other countries is that they don't know which administration they are dealing with: the one that wants the inspections to succeed or the one that wants inspections to fail. That's the main hang up." On paper, a compromise between the French and the American approaches doesn't seem difficult, and the task of bridging the gap seems to have fallen to the British. (The Americans would have to give up some of the toughest requirements for inspections to prove Washington wants them to succeed, and France would agree to back up inspections with an explicit threat of force.) But negotiations have stalled, one British diplomat says, because the French and the Americans still don't trust each other's motives. "There is a fear from one side [France] that maybe the U.S. doesn't believe inspections can work and is committed to the military part already," this official says. "There is a fear from the U.S. side that others aren't committed to doing the disarmament job effectively and will try to duck that responsibility even if there is blatant abuse of the inspection regime."

The French and Russians do now agree that the inspections regime has to be toughened. But a fundamental sticking point remains: the consequences of noncompliance. The American strategy is to use passage of the congressional resolution as leverage at the United Nations. "Once the

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congressional resolution is voted on, the dynamic changes because everyone understands we don't need anything else, which paradoxically means we get more of what we want in New York," says a senior administration official. Once that happens, the United States seems prepared to give in on some of the tougher aspects of the inspections regime proposed in its draft resolution in exchange for getting one resolution with clear consequences. "Operative graf five," says a senior administration official, speaking of the section of the draft resolution that vastly strengthens the inspectors' powers, "that's all negotiable."

Already Blix and some Security Council members have objected to some of the new inspections proposals in "graf five," and the United States seems ready to ditch them. For instance, the administration wants to allow permanent members of the Security Council to appoint their own representatives to the inspections teams, but Blix worries this could compromise UNMOVIC's neutrality, and the nonpermanent members object to giving P-5 countries special privileges. "It undermines the integrity of the process, so it wouldn't be acceptable," says a Western diplomat. The U.S. proposal to have inspectors accompanied by an armed force also seems to be on the chopping block, with France and Russia objecting. "Blix made a very good case against it in Washington," says one diplomat. "He said if the Iraqis don't cooperate, he'll just report back accordingly." Other officials suggest that having armed security at the inspectors' bases would be fine, just not out in the field.

What the administration understands, however, is that these issues are essentially a sideshow. The real debate is still over how to determine when Iraq has failed to meet the new conditions and what consequences will follow. And that debate revolves in large part around the mixed signals over how trigger-happy the United States is and how much Security Council members feel they need to rein Bush in. If the Security Council decides to require a second resolution to authorize force, the United States worries that France will not accept even the most blatant Iraqi violations as necessitating military action. The French fear that if there is only one resolution, which pre-authorizes force, any perceived violation—no matter how slight—would trigger U.S. military action. One solution is to separate the consequences from the trigger. The resolution could threaten military consequences for not cooperating with the inspectors and thoroughly define noncompliance. That way the French couldn't back down from using force if inspectors are truly thwarted. But the resolution could also require some intermediate step, short of a second resolution, to actually trigger the military action. One possibility could be a requirement for Blix to report back to the Security Council if his work were blocked, a proposal that would put the lifelong peacemaker in the unusual position of potentially initiating an invasion.

But one of the hawks' biggest victories over the last week is that they seem to have convinced Bush to dig in his heels on the issue of a trigger. The British say they are open to a two-step process, and there was some talk this week that the United States was exploring the possibility. *The Financial Times* has even reported that Powell told his French counterpart that the U.S. could agree to two resolutions. "It is being pushed by the people who I'm not sure wanted the military approach in the first place," says a senior administration official speaking of Powell and his ideological allies. But American officials at the U.N. insist the administration is sticking to its original position: one resolution or nothing. Asked about a possible compromise between the United States and France, a State Department official close to the negotiations says, "I don't see us moving. We've already had sixteen [Security Council] resolutions. We want *one* new resolution. We want a Chapter VII 'all-means-necessary' resolution. Take it or leave it." They're betting that the French blink. ■

Thank goodness for Dick Armey.

Civil Right

By JEFFREY ROSEN

THE BUSH ADMINISTRATION'S proposed Department of Homeland Security is stalled in Congress. It is stalled not, as one might expect, because the Democratic leadership in the House and Senate fear the bill would threaten civil liberties in the United States by vastly increasing the national security state—rather, the Democrats worry that it would create a class of nonunionized federal employees. Instead, the most vocal critics of the bill's impact on American liberties are not Democrats at all but a group that used to be among George W. Bush's most reliable allies: libertarian and religious conservatives.

The "[p]roposed legislation not only increases the growth of the federal bureaucracy but establishes an infrastructure, legal and institutional, which, if abused, could lead to serious restrictions on the personal freedoms and civil liberties of all Americans," wrote Paul Weyrich of the Free Congress Foundation in a letter signed by 26 conservative organizations in early September. When the House debated the homeland security bill this summer, Weyrich told *The New York Times*

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that enthusiasm for Attorney General John Ashcroft—long a favorite of religious conservatives—was waning thanks to Ashcroft's demands for new federal authority in the war on terrorism. "[T]here is suddenly a great concern," said Weyrich, "that what was passed in the wake of 9/11 were things that had little to do with catching terrorists but a lot to do with increasing the strength of government to infiltrate and spy on conservative organizations."

In Congress, libertarian conservatives are equally disenchanted with Bush and Ashcroft's unilateral expansions of executive authority in the wake of September 11. "The attorney general doesn't seem to be making any effort to contain the lust for power that these people in the Department of Justice have," Dick Armey, the retiring House Majority Leader, told me. "The Justice Department in the U.S. today, more than any federal agency, seems to be running amok and out of control." Representative Bob Barr of Georgia, the former Clinton impeachment manager who was recently defeated in the Republican primary, is equally distressed. "What has been especially troubling in the wake of the enactment of the Patriot Act," he told me, "is that the administration has been resisting any effort to provide information to the judiciary committee detailing how its work is being implemented."

If civil libertarians had to pick the two members of Congress most responsible for the defense of liberty since September 11, Armey and Barr would be at the top of the list. Because of their vigilant opposition to the expansion of federal authority, the version of the USA Patriot Act that Bush signed last October was less draconian than the initial draft he and Ashcroft had proposed. Because of Armey's efforts, half of the new surveillance powers in the Patriot Act will expire in four years, and the administration must report to Congress about its use of the Carnivore e-mail surveillance program. Similarly, thanks largely to Armey, the version of the homeland security bill that the House has passed (the legislation has yet to pass the Senate) explicitly repudiates a national i.d. card, and it rejects Ashcroft's proposed TIPS program, which would have encouraged citizens to spy on their neighbors. The House also approved Barr's amendments, which would require the Office of Homeland Security and other federal agencies to perform a privacy impact analysis of all of their proposed regulations.

The principled libertarianism of Armey and Barr contrasts sharply with the leadership of the Democratic Party, which might have been expected to defend civil liberties after September 11 but instead has acquiesced at every turn in the expansion of the national security state. Tom Daschle and Dick Gephardt have shown as little interest in protecting privacy in the homeland security bill as they did during the debate over the USA Patriot Act. Eager to appear tough on terrorism, Daschle and Gephardt made no effort to ensure that the Patriot Act or the homeland security bill reserved the most invasive surveillance authority for the most serious crimes. The only Democrats who showed any persistent interest in civil liberties were those on the margins—such as Maxine Waters and John Conyers Jr. in the House and Russell Feingold and Pat Leahy in the Senate—whose views were considered too extreme to be taken seriously by negotiators from the Justice Department and the White House. As a result, it has fallen to Armey and Barr to carry the torch for civil liberties during the most important negotiations of the past year. And when the history of the response to September 11 is written, it will record that evangelical and libertarian conservatives—with their instinctive suspicion of federal authority—did more to defend liberty than mainstream liberal Democrats, who were captives of the public demand for security measures above all.

THE CONSERVATIVE MOVEMENT has long been divided on the question of federal authority; the media just hasn't always noticed. The schism dates back at least to the election of 1940, in which the old right led by Robert Taft complained bitterly about the growth of an intrusive federal government and national security state. Some Taft Republicans were isolationists in the cold war and opposed Eisenhower's military industrial complex as well as the continued nationalization of the economy. Conservative intellectuals split in the 1950s over McCarthyism and Pentagon spending—with libertarians like Frank Chodorov calling both a form of tyranny and Catholic traditionalists like William F. Buckley Jr. insisting that international communism posed the greater threat. Barry Goldwater's candidacy in 1964 briefly united the warring strands of the Republican Party—the critics of federal power (including both the libertarian and paleoconservative isolationists) and the anti-communist interventionists. But these wings were divided again by the Vietnam War, during which the unilateralists supported an expanded security state for the greater good of fighting communism while an anti-interventionist libertarian splinter group in the Young Americans for Freedom broke off to protest the war and defend recreational drug use, making common cause with the new left.

Armey and Barr hail from the long anti-government tradition that Richard Hofstadter, in his famous 1964 essay, identified with "the paranoid style of American politics"—including the anti-Masonic movement; the nativist and anti-Catholic movements in the nineteenth century; the John Birch Society; and, on the left, the black Muslims. In the years since Hofstadter wrote, this tradition has been associated most famously with the anti-government wing of the Republican Party. The paranoid style, needless to say, has led to nutty or even violent extremes—the Oklahoma City bombing being its ugliest manifestation to date—but it has also served as the foundation for a principled libertarianism that resists the excesses of executive power. As Hofstadter himself emphasized, "[N]othing entirely prevents a sound program or a sound issue from being advocated in the paranoid style."

Since the '60s, a central concern of paranoid-style critics of the federal government has been guns. Hofstadter cited the three anti-government conservatives from Arizona who drove 2,500 miles to Washington in 1964 to testify against a bill to tighten federal controls over the sale of firearms in the

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wake of the John F. Kennedy assassination. The bill was "a further attempt by a subversive power to make us part of one world socialistic government," said one of the Arizonans. Its passage threatened to "create chaos" that would help "our enemies" to seize power.

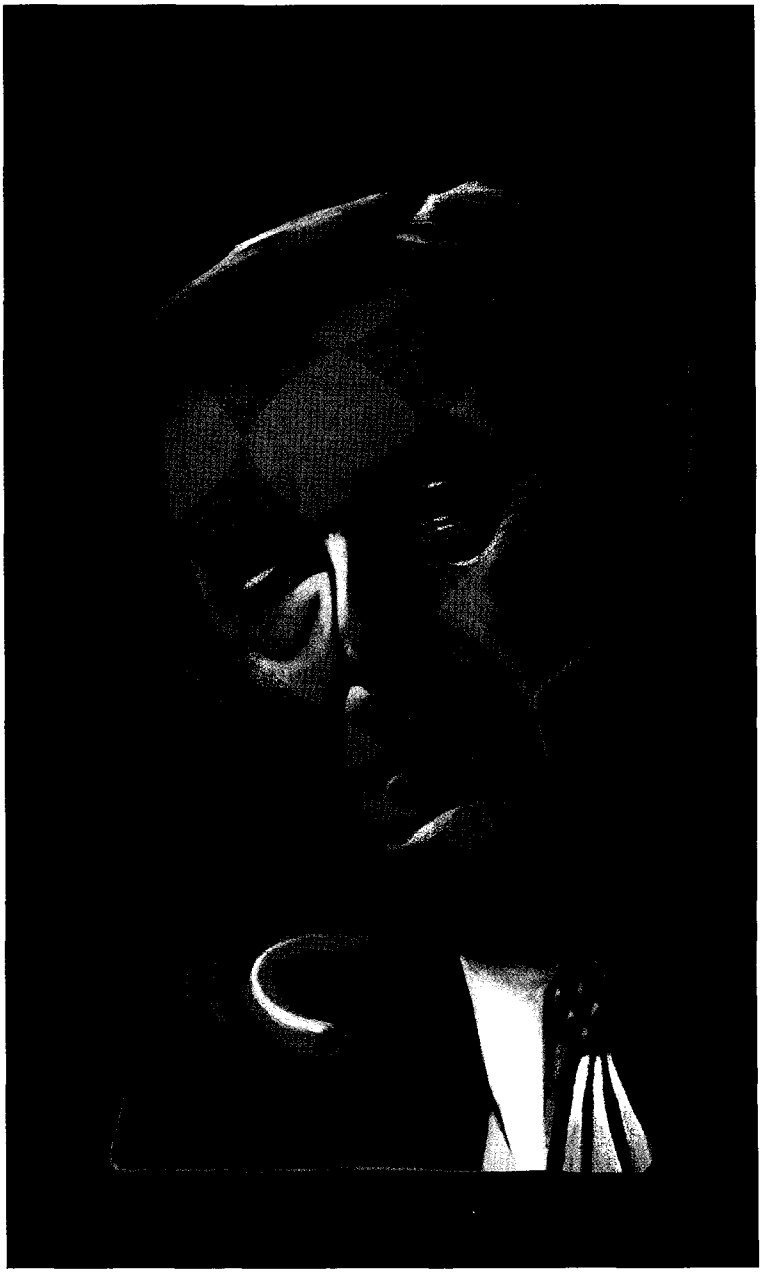
The anti-government movement's hatred for President Bill Clinton was fueled by his support for globalization and gun control, both symbols of one world government. Libertarian conservatives were especially galvanized in 1992, therefore, when FBI agents stormed the Ruby Ridge home of Randy Weaver—a white separatist who had failed to show up in court to settle a low-level gun charge—and shot and killed his wife and son. The FBI's subsequent raid on the Branch Davidian compound in Waco, Texas, followed the same pattern: In an initial attempt to prosecute cult leader David Koresh for violating gun laws, the federal government precipitated a conflagration.

To the most radical paranoid-style conservatives, Ruby Ridge implied that the "end times," or the final period before Christ establishes his thousand-year reign at Jerusalem, had begun; they pledged a violent holy war against the federal government to restore the nation to biblical rule. Their views were expressed in a tract called the Turner Diaries, which painted a gruesome picture of a white-supremacist holy revolution set off by the enactment of federal gun-control laws. An excerpt from the Turner Diaries was found in Timothy McVeigh's car after he was arrested for exploding the truck bomb that killed 168 people in Oklahoma City.

FOR SANER LIBERTARIAN and religious conservatives, however, Waco and Ruby Ridge represented not an invitation to armed revolt but a reminder of the dangers of federal power. Libertarian concerns about FBI overreaching were exacerbated when the FBI files of Republicans ended up in the Clinton White House. "The FBI files sure heightened my awareness of how careless and malevolent people in government can be," Armey told me. "When I heard the story of raw FBI files being sent to the White House, it just blew my mind." With the help of an unusual coalition of conservative libertarians on the NRA right and civil libertarians on the ACLU left, Armey and Barr successfully opposed many of Clinton's efforts to expand federal surveillance authority in the wake of Oklahoma City. Armey denied Clinton the authority to use roving wiretaps that can follow a suspect rather than being tied to a particular phone, for example. He also successfully opposed efforts in the '90s to allow law enforcement to "trap and trace" electronic communications over several networks with a single court order. After September 11 both of these Clinton proposals were dusted off by Bush and passed as part of the USA Patriot Act.

Indeed, far from representing a nuanced response to the challenges posed by Al Qaeda, many of the most draconian provisions of the USA Patriot Act were rewarmed versions of proposals that had been submitted to Congress by the Clinton Justice Department. During the negotiations over Ashcroft's draft, Armey told me, "One of these hotshots from the Justice Department said, 'This isn't new; we've been asking for this for a long time.' I said, 'We've been saying no for a long time.' They were trying to seize the momentum of the Patriot Act to try to get these things we had not given them for years." During one meeting in which the Bush administration defended its proposal to blur the line between foreign intelligence gathering and domestic surveillance, Armey exploded in anger: Didn't the conservatives remember Ruby Ridge?

Democratic leaders such as Daschle and Gephardt, by contrast, went out of their way to oppose any efforts by the hand-



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ful of civil libertarians in their party to stop the Republican juggernaut. "I certainly have not seen any sympathy for civil liberties on Daschle and Gephardt's part," says David Boaz, executive vice president of the libertarian Cato Institute. "Whether it's a reflection of their ideological preconceptions or their political calculations or both, they seem little more sympathetic to civil liberties than they are to economic liberties." As *The Village Voice*'s Nat Hentoff has reported, Daschle did his best to stifle the civil libertarian objections to the Patriot Act raised by Feingold, who was the only senator to vote against the bill. In May, Feingold told *The Progressive* magazine that Daschle had instructed Democrats to vote for the bill unanimously, without amendments or debate. After Feingold refused, he told *The Progressive*, "The Majority Leader came to the floor and spoke very sternly to me, in front of his staff and my staff, saying, 'You can't do this, the whole thing will fall apart.'" When Feingold proposed his amendments to the bill that night, he said, Daschle told other Democratic senators: "I want you to vote against this amendment and all the other Feingold amendments; don't even consider the merits."

In the House, Democratic opposition to the Patriot Act was a little more vocal: The bill passed 337 to 79, with all but four of the dissenting votes cast by Democrats. Nevertheless, Gephardt did little to encourage the civil libertarian opposition, led by people such as John Conyers Jr. of Michigan. Although the minority leader initially supported a more moderate version of the act—unanimously passed by the House judiciary committee—when that version was defeated, he proceeded to have it both ways by embracing the administration's more draconian substitute. In the final negotiations it fell to Armey and Barr, rather than the Democrats, to try to rein the administration in.

But despite their best efforts, Armey and Barr failed to block several expansions of surveillance authority that they had previously resisted. The Patriot Act now allows "sneak and peak" warrants, which authorize the search of a house without informing its occupants if a judge decides that giving notice would hurt the government's investigation. It permits the Foreign Intelligence Surveillance Court to order roving wiretaps. And it gives the government essentially unregulated access to "dialing, routing, addressing, or signaling" information on the Internet—a phrase whose meaning isn't entirely clear but seems to refer to the addresses of the e-mail we send and the websites we visit. "We weren't nearly as successful as I might have hoped," says Barr, "although we were able to secure some changes to the act, there are other provisions that are extremely problematic."

In the debate over the homeland security bill, evangelicals and libertarian conservatives joined Armey in opposing not only national i.d. cards but also Ashcroft's proposed TIPS program, which would encourage private employees—such as delivery men and utility workers—to spy on their fellow citizens and report suspicious activity to the FBI. "We signaled that Congress is not interested in TIPS," said Armey. "But [the Justice Department's] attitude is, 'We're going to do it anyway.'" He then pointed to Ashcroft's recent appeal of a decision of the secret Foreign Intelligence Surveillance Court that criticized the Justice Department for lying on its applications for surveillance authority. "This agency right now is the biggest threat to personal liberty in the country," he said. Other libertarian conservatives, pointing to what they perceive as the excesses of the Clinton years, are equally concerned about Ashcroft's proposal to expand FBI authority to conduct Internet surveillance on individuals or groups without authorization from headquarters or a credible allegation of wrongdoing. "Ashcroft made some ill-advised comments about agents not being able to surf the Internet, which, taken beyond a colloquial sense, simply wasn't true," Bradley Jansen of Weyrich's Free Congress Foundation told me.

BECAUSE OF HIS background as an Assemblies of God Pentecostal, Ashcroft has strong personal and political ties to evangelical Christian anti-government conservatives, which makes his apotheosis as the voice of federal power especially disappointing to his natural allies. As a senator, Ashcroft pressured the Clinton Justice Department and the FBI to abandon their efforts to give the government back-door access to all encrypted documents transmitted on the Internet. Ashcroft also opposed the FBI's Carnivore e-mail surveillance system, as well proposals for a national i.d. card. "Ashcroft has been disappointing to some of the people who worked with him on civil liberties during the Clinton years," says Boaz. "If Ashcroft had won his Senate race and stayed in the Senate, would he now be a critic of the Patriot Act?"

But Ashcroft's transformation from an anti-executive Manichean conservative to a pro-executive Manichean conservative has been entirely in character. As both a senator and attorney general, he has been convinced of his own virtue and the perfidy of his opponents. When he moved from criticizing the Justice Department to running it, executive authority become trustworthy to him because the purity of his motives was, in his own mind, axiomatic. Instead of abandoning his apocalyptic vision, Ashcroft redirected it toward international enemies.

But there is one issue on which he has stood by his former allies on the anti-government right: guns. Although he refused to release the names of the 1,200 detainees picked up after September 11, he also refused to let the FBI examine the background checks to determine if any of them had recently purchased guns. And based on his interpretation of the Second Amendment as a protection for individual rather than collective rights, scores of defendants in Washington, D.C., courts have filed briefs challenging the constitutionality of D.C. gun laws. The devotion of religious and libertarian conservatives to the Second Amendment shouldn't be dismissed by civil libertarian liberals any more than the devotion of civil libertarian liberals to abortion rights shouldn't be dismissed by libertarian conservatives: Both are part of a principled commitment to restrict the power of government to intrude into private life. But, unlike his conservative allies, Ashcroft is not able to extrapolate from his devotion to the right to bear arms a broader principle of individual liberty that leads

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to suspicion of government across the board. They have a principle; he has only an attitude, which is the self-evident truth of his own righteousness.

If Armey and Barr's opposition to Ashcroft makes them the heroes of the post-September 11 privacy movement, the future of that movement—at least in Congress—is uncertain. Armey is retiring after years as majority leader, and Barr was defeated by a less rigorous libertarian in the Georgia Republican primary. "Privacy doesn't have a political constituency," he told me soon after his defeat. "The fact that it didn't seem to be front and center with people is certainly worrisome." Nevertheless, a few new anti-government conservatives in Congress are beginning to find their voice—Armey is impressed by Jeff Flake of Arizona—and the alliance between the libertarian right and the civil libertarian left remains vital even if it has little obvious grassroots support. At a time of national trial, this alliance has done more to check executive overreaching and to defend individual liberty than the big-government liberals running the Democratic Party, who have been all too happy to respond to demands by the public and the president for security above all. For this we have the paranoid strain in American politics to thank. ■

Why liberals should support the war.

False Alarm

By JONATHAN CHAIT

IT IS PERHAPS telling that the case for war with Iraq was most clearly made not by Republican President George W. Bush but by Democratic President Bill Clinton. "Predators of the twenty-first century," Clinton warned, speaking four and a half years ago, "will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. ... There is no more clear example of this threat than Saddam Hussein's Iraq." And if the world were to allow Saddam to continue to construct his terrible weapons? "Well, he will conclude that the international community has lost its will," Clinton declared. "He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he'll use the arsenal."

As American liberals contemplate the current president's proposed war with Iraq, it's worth pondering his predecessor's logic. For if you accept Clinton's reasoning—and few liberals objected at the time—you can hardly help but resolve that we must eliminate Iraq's nonconventional arsenal by any means at our disposal, including, if all else fails, war. Two things have changed since Clinton's comments: First, in late 1998 Saddam effectively shut down U.N. weapons inspectors in Iraq, breaking the back of the already ailing inspections regime and granting himself four largely unfettered years in which to continue developing weapons of mass destruction; and second, in early 2001 Clinton was replaced in office by a Republican. The first of these points unquestionably strengthens the case for war: Saddam has provided strong evidence that he will not allow anything to deter him from pursuing weapons of mass destruction.

But many of my fellow liberals appear driven more by the second point. When asked about war, they typically offer the following propositions: President Bush has cynically timed the debate to bolster Republican chances in the November elections, he has pursued his Iraq policy with an arrogant disregard for the views of Congress and the public, and his rationales for military action have been contradictory and in some cases false. I happen to believe all these criticisms are true (although the first is hard to prove) and that they add more evidence to what is already a damning indictment of the Bush presidency. But these are objections to the *way* Bush has carried out his Iraq policy rather than to the policy itself. (If Bush were to employ such dishonest tactics on behalf of, say, universal health care, that wouldn't make the policy a bad idea.) Ultimately the central question is: Does war with Iraq promote liberal foreign policy principles? The answer is yes, it does.

Liberals and conservatives share many foreign policy values in common: encouraging democracy and capitalism, responding to direct aggression, and so on. That is why, for instance, both overwhelmingly supported overthrowing the Taliban and hunting down Al Qaeda in Afghanistan. In the post-cold-war era, though, liberals have centered their thinking around certain ideals with which conservatives do not agree. Writing in these pages in 1999, conservative columnist Charles Krauthammer identified three distinctly liberal principles: advancing humanitarian (rather than merely national) interests; observing international law; and acting in concert with international institutions, such as the United Nations. Krauthammer cited these three principles in order to dismiss them. I disagree. Underlying all three is an understanding that American global dominance cannot last unless it is accepted by the rest of the world, and that cannot happen unless it operates on behalf of the broader good and on the basis of principles more elevated than "might makes right."

Do these three liberal precepts militate against war with

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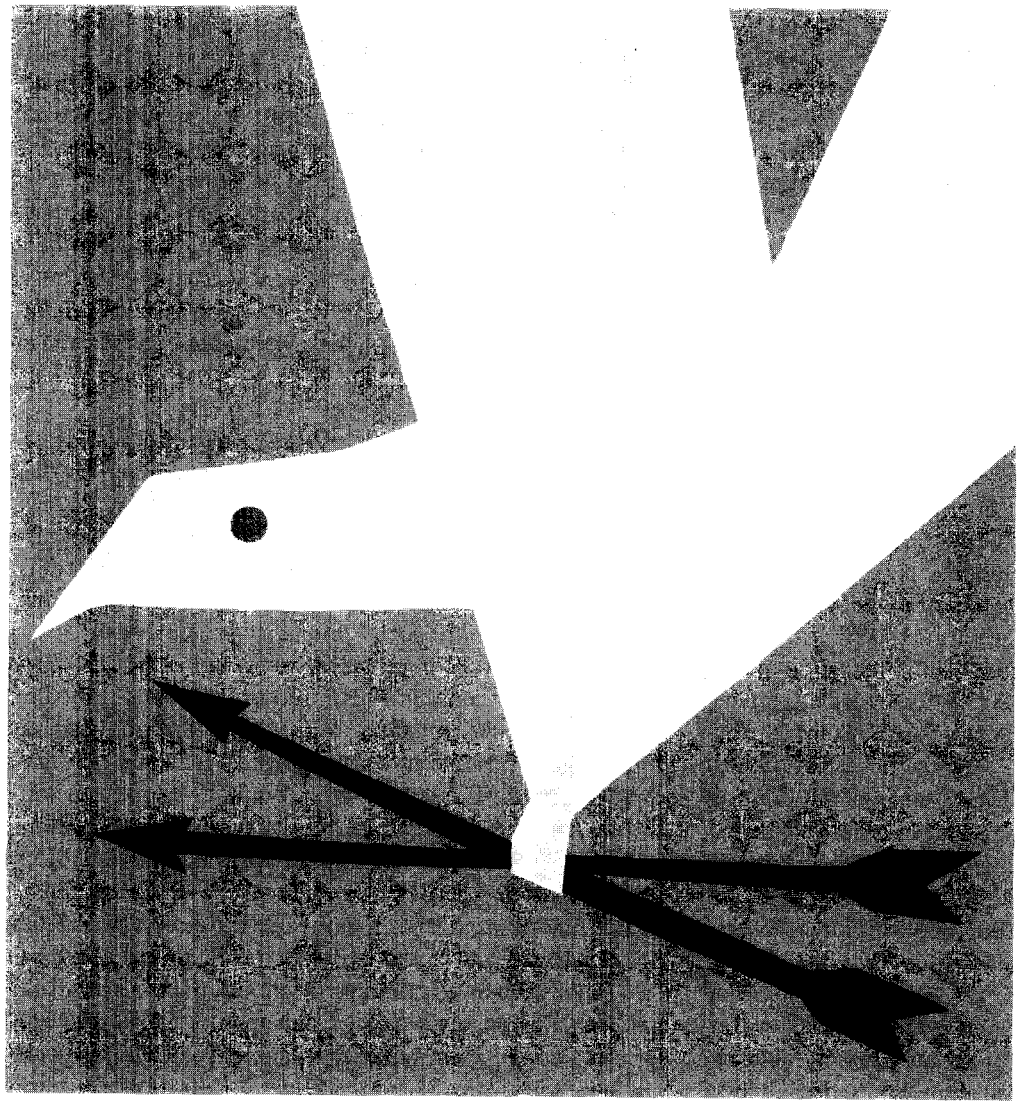
Iraq? Certainly the liberal concern for humanitarianism should not stand in the way. We are contemplating, after all, the overthrow of one of the most internally violent and repressive regimes on Earth (see "Slave State," by Robert D. Kaplan, page 10). Indeed, from a purely humanitarian perspective, the case for this war is stronger than for the Gulf war—in which we restored a dissolute, authoritarian monarchy in Kuwait and left Saddam's tyrannical regime in place. No matter how badly we might bungle a post-Saddam rebuilding of Iraq—and Bush's record in Afghanistan, alas, suggests little reason for optimism—it is difficult to imagine that deposing Saddam will not greatly improve the living conditions and human rights of the Iraqi people.

It's true that absent an internal coup, toppling the Iraqi government would lead to the loss of life among innocent Iraqis. But the fact that a military action causes casualties does not mean it cannot be justified in liberal eyes: Witness liberal support for U.S. action in Afghanistan, Kosovo, and Somalia. Moreover, post-Gulf war advancements in precision bombing have made the American military better at minimizing civilian casualties. And there is abundant evidence that a large portion of the Iraqi populace is willing to endure physical danger in order to oust Saddam: All of the major Iraqi exile groups—even those that oppose the current sanctions regime—support a war to overthrow Saddam. Iraqi Kurds and Shias rose up against Saddam when he looked weak in 1991, and thousands gave their lives in the effort. Humanitarianism may not be a sufficient rationale for war in and of itself—liberals don't want to go around overthrowing every government that mistreats its citizens. But it certainly isn't a compelling reason *not* to go to war.

A MORE SERIOUS sticking point would seem to be international law. War with Iraq worries liberals in part because it seems to come right out of the blue. The Bush administration has inadvertently stoked this fear by blundering the argument. First, it has framed war with Iraq as a continuing response to the September 11 attacks. But there's not yet convincing evidence that Iraq lent meaningful support to Al Qaeda, and the lessons of last year's attack would suggest action against terrorist groups and the states that most aggressively support them (e.g., Iran and Syria), not Iraq. Barbra Streisand's contention in a memo to the Democratic leadership that "Sadam [sic] Hussein did not bomb the World Trade Center," is—however facile—true.



JOE HEROUN

Second, the Bush administration has justified war with Iraq as the first exercise of its new doctrine of "preemption," whereby the United States, in defiance of international law, can attack rival states that pose a non-imminent threat. Liberals, normally, find such a prospect alarming. "International law seems to count for nothing in this administration's view of the world," the editors of *The American Prospect* wrote in a joint anti-war editorial. "Not only does preemption violate the U.N. charter and set a dangerous precedent for other countries, it also risks triggering wars we might otherwise avoid." By framing war with Iraq as the model for a new foreign policy doctrine under which we can attack anybody we deem a threat, without any regard for the opinion of the world or even our allies, Bush has made it anathema to liberals.

But opposing the administration's expansive new pre-

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emption doctrine does not require one to oppose its intended war with Iraq. Here, again, the administration has bungled the argument. The more persuasive justification for war is that Iraq has violated a series of U.N. resolutions requiring its disarmament and compliance with weapons inspections. Yes, lots of countries violate U.N. resolutions. What makes Iraq's violation a casus belli is that it agreed to disarm as a condition of ending the Gulf war. War with Iraq does not require trashing international law. Just the opposite: Sustaining international law is central to its very rationale.

Indeed, if you want to get technical, the Gulf war never really ended. Hostilities came to a halt April 9, 1991, when Iraq agreed to U.N. cease-fire resolution 687, which required Iraq to "unconditionally accept the destruction, removal or rendering harmless" of its weapons of mass destruction and missiles with a range of 150 kilometers or more. But Iraq refused to cooperate with the U.N.'s efforts to locate and destroy these weapons. Time and again, Iraq demanded concessions from the inspectors—requiring advance notice, barring them based on nationality, and exempting "presidential sites," which included areas as large as Washington, D.C. Its allies on the Security Council continuously supported Iraq's cause, which merely emboldened Saddam to demand more concessions, until at last he dispensed with even the pretense of cooperating with UNSCOM. In a pathetic display of appeasement the United Nations created a new inspections regime to be staffed by more compliant inspectors, operating under absurdly restrictive conditions, but Saddam refused to cooperate with even that.

The dangerous legacy of this episode is obvious. When a belligerent dictator sees that he can flout the dictates of international law without resistance, he and other dictators will grow emboldened to pursue future aggression. And, of course, the underlying substance of Saddam's conflict with international law—his ongoing efforts to build long-range missiles and nuclear, biological, and chemical weapons—has only grown more crucial since his 1998 expulsion of the weapons inspectors. Nonetheless, this latter point has come into dispute of late, with many liberals arguing that the threat of annihilation would deter Iraq from using, or even threatening to use, nuclear weapons. "I think Saddam knows that if they ever used a weapon of mass destruction, that they'd be destroyed in turn," argued Senate Armed Services Committee Chairman Carl Levin. "They are interested in power." It naturally follows from this argument that Iraqi nuclear weapons would pose no significant danger to the world. If that's the case, though, not only should we not threaten war to stop the Iraqi weapons buildup, we should lift all sanctions designed to halt it. (After all, sanctions undoubtedly harm the Iraqi people.) The very fact that liberals vehemently insist upon the necessity of an inspections regime at the same time they claim deterrence will protect us suggests that they do not truly believe the latter argument.

And why should they? The claim that Saddam can be deterred from using weapons of mass destruction rests on the assumption that he is a rational actor. But Saddam's history, as former CIA Iraq analyst Kenneth Pollack argued in *The New York Times* last month, is replete with irrational behavior. In the 1970s he attacked Iranian-armed Kurds, resulting in a humiliating accord in which he ceded territory to Iran. He has launched two costly, ill-fated wars and ordered an assassination of President George H.W. Bush—an adventure that, had it succeeded, may well have led to an American invasion and the end of his regime. These are not the actions of a man concerned only with survival and power.

Perhaps the strongest evidence of Saddam's irrationality, however, is his very obsession with obtaining weapons of mass destruction. Had Saddam acceded to U.N. demands at the close of the Gulf war, international sanctions against Iraq would likely have been lifted years ago. In the absence of sanctions, Iraq could have pumped as many as six million barrels of crude oil per day; with the tens of billions of dollars that came from this, Saddam could have pursued his passion for palace-building to an unprecedented degree, built a conventional military more than strong enough to deter aggression by his neighbors, and perhaps even made his country a better place. Instead, under the sanctions regime, he has been allowed to pump just 1.4 million barrels of oil per day and has been prohibited from purchasing steel, computers, and other goods he surely covets. As a result his army is dilapidated and his populace poor and restive. Moreover, his intransigence has earned him repeated attacks from American planes and missiles, and large chunks of his country are, for all practical purposes, independent of his rule. If American deterrence renders Saddam's weapons of mass destruction useless, then why does he endure such sacrifices to acquire them? Perhaps his mania for building them is irrational—but, then, it's hard to see why he would be irrational in the acquisition of these weapons but rational in their use.

Perhaps because they don't fully trust deterrence to protect the world from Saddam, liberals have fallen back on another argument: OK, we can go to war with Saddam, but only if we garner the support of our allies and the United Nations. This line of reasoning, relying on the third liberal principle, multilateralism, has become the most prominent objection of war critics. A full-page advertisement in *The New York Times* last week, paid for by Common Cause and signed by the likes of Derek Bok, Mario Cuomo, and Arthur Schlesinger Jr., sums up this thinking: "It would be unacceptable for the United States (except if it had to repel sudden attacks) to enforce the authority of the United Nations by actions that dispense with U.N. approval." The suggestion here is that U.N. approval amounts to a sine qua non of American military action. But liberals have not elevated it to this level before. Many opposed the Gulf war at the time, even though we led a broad international coalition and enjoyed U.N. backing. And many supported U.S. intervention in Kosovo, a campaign that lacked U.N. authority and was condemned by Secretary-General Kofi Annan as a re-

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sult. International support, then, is neither a sufficient nor a necessary condition for liberals to support a war.

Nor should it be. While some war critics speak of the U.N.'s judgment as if it came from Mount Olympus, in practical fact it is influenced by all sorts of considerations that liberals ought to abhor. When critics invoke U.N. backing, they mean not the General Assembly, which represents all nations, but the Security Council or generally just the four other permanent members thereof. And almost nowhere are the principles of power politics more evident in international affairs than among the permanent members of the U.N. Security Council, who owe their position to the fact that they are (or, in the case of France and Britain, were) the world's preeminent military powers. Indeed, one (China) is a dictatorship, and another (Russia) is a quasi-dictatorship. Not only have Security Council members undermined inspections and appeased Saddam, they have done so less because of any moral scruples than because they want to safeguard their corporations' profits. Liberals don't want to see U.S. foreign policy dictated by the interests of American oil companies. Why is it better if it is dictated by the interests of French and Russian oil companies?

But while international support cannot be an absolute moral prerequisite, then neither should its pragmatic advantages be discounted. For example, we certainly should not squander international goodwill on trivial things like buying off domestic pressure groups. If Bush truly put national security ahead of political concerns, for example, he wouldn't have infuriated American allies by pushing lavish farm subsidies and steel and textile tariffs or by ostentatiously opposing the Kyoto Protocol. But on critical issues—such as the potential threat posed by a nuclear Iraq—our national interests may supersede the advantages of international consensus. If given the choice of maintaining good relations with the rest of the world or disarming Saddam, I would pick the latter.

STILL, THE BEST-CASE scenario would be an aggressive effort to disarm Saddam that enjoyed substantial international support—and many liberals believe this is an attainable goal. "I could support an Iraq war with a genuine purpose of getting at its weapons of mass destruction, whether by force or (ideally) by forcing it to accept weapons inspections," submitted TNR contributing editor Robert Wright, arguing against war in *Slate.com* last week. Paul Starr, writing an antiwar column in *The American Prospect*, maintains, "If the Bush administration had proceeded differently—if it had established a legal basis for military action, perhaps by working through the United Nations; if it had built allied support; if it had genuinely pursued alternatives to forcible 'regime change'—war might have emerged, by general agreement here and abroad, as a necessary final resort."

What makes such liberal criticisms so strange is that they hinge upon the assumption that Bush's unilateralism is the main obstacle to a tough, U.N.-backed inspections regime. This reading gets cause and effect backward: The only reason the Security Council is even considering a tough Iraq resolution is Bush's talk of regime change. After all, the United States spent nearly a decade trying exactly what liberals now implore Bush to do—working collaboratively with other members of the Security Council to come up with an Iraq policy that splits the difference between America's (overwhelmingly security-related) interests and Russia's and France's (overwhelmingly economic) interests. The result was a clear failure. France and Russia allowed Iraq to reduce the inspections regime to near-meaninglessness and then, when Iraq would not abide even by that, refused to endorse any consequences whatsoever. If our allies were too solicitous of Iraq to support loophole-ridden inspections backed by the threat of pinprick bombing, why would they support tough inspections backed by the threat of full-scale invasion now?

The only thing that might change their minds is the threat that Bush would attack Iraq without them. Such a prospect would weaken the relevance of their Security Council seats and endanger their economic standing in a post-Saddam Iraq. If forced to choose between tough inspections and nothing, the allies have shown they prefer nothing. If forced to choose between tough inspections and unilateral war, it now looks as though they will choose inspections. Had Bush foresworn unilateral action, as liberals have implored, the prospects for the tough U.N. inspections they now urge would be nonexistent.

So, if Bush is heading in the direction liberals want to go, why do they regard his policy with such hostility? The answer seems to be that they regard their policy as one that will render war a remote, mainly theoretical, possibility. The Common Cause ad pleads that war be only "a last resort" and maintains that Saddam "can be made to respond to diplomatic pressures if these are backed by a credible and sustained military threat." But of course a threat is only credible if you're prepared to follow through on it. And at the moment it would seem to be impossible to design a military threat credible enough to alarm Saddam but not so credible that it alarms Derek Bok.

Deluded by the hope that they can have multilateralism and disarmament without the risk of war, liberals have concentrated their intellectual energies on the slim possibility that the United Nations will approve an airtight inspections system and that Saddam will submit to it. If that happens, they would not support a unilateral Bush war. And for that matter, neither would I. But the chance of that happening is small. We have eleven years of accumulated evidence suggesting that the United Nations will not approve loophole-free inspections and that even if it does, Saddam will defy it once more. Which is why it's strange to find so many liberals who consider themselves antiwar conceding that, if all else fails, they would support military action against Iraq. "All else" has failed for more than a decade. And barring a profound character reversal by Saddam, "all else" will likely fail again in the coming months. Just how many times are we supposed to go down this road before we realize our last resort may be our only option? ■

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Stanley Kauffmann on Films

Old Courage, New Coolness

A FASCINATING documentary accomplishes more than it promises. **Shanghai Ghetto** (Rebel Child) recounts the adventures and travails of those European Jews—about twenty thousand of them—who escaped Hitler in the late 1930s by making their way to China. The directors, Dana Janklowicz-Mann and Amir Mann, present this little-known story lucidly, and also, whether or not it was their aim, they tell more than that story.

Their documentary technique is conventional: talking heads with intervening relevant footage. But they have found highly articulate talking heads, all of them survivors of the Shanghai experience—the grandfather of Dana Janklowicz-Mann, a woman who is a professor at Hebrew University, a woman who headed the relief effort to help the refugees in Shanghai, and four others. All of them remember large and small matters, from kindnesses and cruelties to the sprinkling of rice on a windowsill in the sunshine so that the bugs would exit. (We get to see that windowsill when the man who told us about it revisits his boyhood home.) Benefactors and bullies live on in their minds.

This hegira came about when the Western governments that had been asked to receive Jewish refugees declined—the United States among them. Forced to seek other havens if they could, those Jews with sufficient means found that Japan would allow them to enter Japanese-occupied China. The refugees made their way to Italy and took passage from Genoa to Shanghai on Japanese ships. The first wave of exiles was German, soon followed by Polish and Russian Jews.

The film's title is slightly misleading. The word "ghetto" implies enforced segregation. The Shanghai Jews certainly lived in communities in the International Settlement, but all immigrants tend to live in communities of their own. These refugees were as free and active as anyone else in the city. They found ways to support themselves, and families managed to live their lives. The relatives and friends whom they had left behind suffered in ways that we all know. In Shanghai the Jews lived in what one of these survivors calls "paradise," adding that, like most people in a paradise, they did not fully realize it until later.

History, as usual, is liberal with irony. It was Japan that had made this refuge available, and after Pearl Harbor Germany reached in, through its Japanese allies, and harried the Shanghai Jews. Many were sent to camps. And history continued on its wry way. The narrator (Martin Landau, restrained) tells us that during the war some of the refugees were killed in American air raids on the Japanese occupiers of the city. After the war, some of the refugees went to Israel, and a good many of them came to America on American troop transports.

All of this story is engrossing, especially because it unfolds something more than political data. In Shanghai, in an utterly strange land and with the needs of every day nipping at their heels, these Jews nevertheless built a society. The schools and the hospital that they founded we almost take for granted, remarkable though they were. But there were soccer teams, cabarets in several languages (German, Yiddish, Russian), theater and newspapers in those languages, and a literary culture. One of the surviving women is ecstatic about the poetry that was written by some of these exiles. This account of a flight from horror thus metamorphoses, with humane insistence, into a social and cultural blossoming. We cannot exactly rejoice that the whole episode happened; we can rejoice at what these people brought within them.

Just a Kiss (Paramount Classics) is about New York young people. The screenplay is by the actor Patrick Breen, who is one of the initial quartet of the story. Two men and two women begin with certain linkages, rearrange them as they go, and are then joined by other people. The thematic base of the film is the quartet's openness to change.

Breen has said that his impulse to write the script came from a book by Stephen Jay Gould, whose thesis is that life is happenstance that is then reified. If we could rewind the tape of our lives to any point in the past, almost everything that followed could have happened otherwise. This idea is just valid enough to be slightly terrifying, and the director, Fisher Stevens, emphasizes it with a cinematic technique called rotomation. A sequence ends with the photography melding into an animated cartoon of the same people in the same situation. The matters that have been treated more or less seriously by the characters, including one woman's suicidal tendencies, are thus rendered as gravity that might be seen as a joke. And toward the end of the film we get fast rewinds to show us how encounters in the past might have gone otherwise.

An actor named Peter (played by Breen) has a ballerina girlfriend, Rebecca (Marley Shelton), who has an affair with Peter's friend Dag (Ron Eldard), a TV commercial director who lives with Halley (Kyra Sedgwick), who makes video biographies to order. Add: a black cellist (Taye Diggs) who has just split with his wife (Sarita Choudhury), a free-minded airline stewardess, plus a sexually aggressive bar girl (Marisa Tomei). Mix these ingredients virtually any way you like (which the film itself suggests), and serve at (bed)room temperature.

The gambits and ploys and accidents have a sophisticated sheen, but the most interesting aspect of *Just a Kiss* is that it helps to confirm a genre. For at least fifteen years the screen has been studded with hip young pictures featuring people who are smart, either well enough off or careless about it, and marked by the fact that their strongest convictions are about trifles. They are usually busy in beds but are passionless. Richard Linklater and Whit Stillman have helped to ground this genre, along with almost any film that has Catherine Keener in it. What is most salient about this genre is that the characters themselves know that they are characters: each individual seems to understand that he or she has a part to play, is obliged to supply smart dialogue, and must have only pro forma feelings.

A cultural perspective comes into view.

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Ever since the Restoration, the English theater has flaunted a line of social comedy in which high-born characters are dedicated to an ethic of the smart and the brittle. In the twentieth century the middle class took over these aristo roles. (In Noel Coward, for instance.) American film, allowing for changes of venue and diction, has latterly picked up this style, and *Just a Kiss* follows in the line with a kind of obedience.

The line is sure to prosper, at least as long as it truly reflects the world that it cares about. With its airless, tacitly desperate quality, its suggestion that very few games are worth their candles, it creates a skillful synthesis, a witty glistening that is nonetheless transparent, deliberately so. These films want us to see the emptiness beneath. ■

Politics by Other Means

By CASS R. SUNSTEIN

First Among Equals: The Supreme Court in American Life by Kenneth Starr

(Warner Books, 320 pp., $26.95)

KENNETH STARR IS most famous for his role as independent counsel in the investigation of President Clinton. But Starr had a distinguished public career before he assumed that somewhat notorious position. In the first two years of the Reagan administration, he worked as a counselor to Attorney General William French Smith. In 1983, he was appointed to the second most important court in the nation, the United States Court of Appeals for the District of Columbia Circuit, where he earned a solid reputation for moderate and well-reasoned opinions. Starr had life tenure as a federal judge, but President George H.W. Bush convinced him to resign from the bench in 1989 to serve as solicitor general, representing the United States before the Supreme Court.

Under Starr's leadership, the Office of Independent Counsel was overzealous, to say the very least. This came as a big surprise to those who knew Starr's earlier work, or who knew the man personally, because Starr's performance showed so little of the caution and the good judgment that previously marked his career. Since resigning as independent counsel, Starr has, in his writings and his public statements, acted in the measured and responsible way that he did as a judge and as solicitor general.

Starr's new book is intended as a simple descriptive account of the Rehnquist Court, a kind of spectators' guide. It does not press its author's own views, but instead it depicts, in mostly neutral terms, what has been happening. As Starr describes it, his goal is "to introduce many of the key decisions of the modern Supreme Court; to describe the legal tools the justices have used in interpreting the law and deciding cases; to explain the big ideas that have moved the justices; to identify the sharpest divisions among them; and to show the difference that the vote of a single justice has so frequently made." But Starr has a broader ambition. He attempts to provide an evaluation of the modern Court, one that inevitably embeds his own views.

Starr presses two general points. The first is a claim of continuity between the Rehnquist Court and what preceded it. Starr urges that the Court has not abandoned the central role in American life that "was established so firmly by the Court under Earl Warren." In our system of government, the Supreme Court is "first among equals." Starr's second and contrasting theme involves what he sees as a change for the better. Compared to the Warren Court, he contends, the Rehnquist Court "has evolved into a more lawyerly tribunal," one that "has become increasingly dedicated to stability and moderation." Thus the current Court has been "self-consciously struggling for greater rigor and persuasiveness in its doctrine." The justices are "more and more lawyerly," paying close attention to "text, structure, constitutional history and precedent." Hence "none of the current justices would be inclined to say, as Thurgood Marshall reportedly did when asked about his judicial philosophy, 'I do what I think is right and let the law catch up with me.'" (Having clerked for Marshall, I doubt that he made this statement, except perhaps in jest or as an ironic response to a ridiculous question. Starr offers no citation for the statement.) Starr thinks that this is "a judge's Court, a court of lawyers," one in which history is "treated with genuine respect," one that favors "stability, not change; moderation and incrementalism, not liberalism or progressivism."

To this end, Starr stresses what he sees as the Rehnquist Court's reluctance to overrule the most controversial decisions of its predecessors. *Miranda* v. *Arizona* has been a long-standing target of the political right, partly because the Constitution does not seem to require *Miranda*'s system of mandatory warnings for those in custody. But the Rehnquist Court conspicuously declined an opportunity to overrule *Miranda*. Even more than *Miranda*, conservatives (along with many liberals) have sharply criticized *Roe* v. *Wade*, which created the right to choose abortion on the basis of the "right to privacy." But the Rehnquist Court has accepted the idea of a right to privacy, and it has refused to overrule the basic holding in *Roe*. Starr emphasizes that political struggles have produced this stability: "There would not have been as much continuity had the composition of the post-Warren Court been different. As recent confirmations have reminded the nation, it matters, fundamentally and decisively, who serves on the Court." While emphasizing continuity, Starr does not make the absurd claim that the Rehnquist Court is doing what the Warren Court would have done. Consider the area of affirmative action, where the Court has, in Starr's view, "proved more restrained than the Warren Court would have been," because it has "backed away from the kind of law that was countenanced during the 1980s," that is, laws that "allocate opportunities with race in mind."

Starr believes that "the current Court is moved by large ideas, such as equality." He thinks that some of these ideas "cut across ideological and philosophical lines to a considerable degree, if only imperfectly."

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Hence in *Bush* v. *Gore*, about which Starr seems ambivalent, the justices sought "common philosophical ground, identified at a high level of generality—say, all voters should be treated equally, just as speakers should likewise be treated." In addition to stressing equality, Starr thinks that the Rehnquist Court is interested in two other ideas: the principle of individual conscience and the "grand tradition of 'restraint,' the principle that unelected judges should be highly deferential to the judgments of the political branches." We shall see that Starr's invocation of these large ideas creates real trouble for his claims about the distinctiveness of the Rehnquist Court, if only because almost all courts are, in one or another sense, committed to them.

STARR'S TREATMENT OF particular areas of the law begins with freedom of speech. He explores the Supreme Court's controversial decision to strike down a federal law forbidding flag-burning. Starr emphasizes the fact that Justice Antonin Scalia joined the Court's majority. He finds Scalia's vote to be an important demonstration of judicial neutrality, which he celebrates throughout. Flag-burning was undoubtedly "anathema to Justice Scalia the person. As a patriotic citizen, the justice warmly embraced traditional American values of love of country and respect for its great symbols, above all the flag." But Scalia voted as he did because "his oath was to the law." In Starr's view, if "the judge honestly votes against the friends who put him on the bench, then the judge is reaching the goal of being genuinely disinterested and dispassionate—as a truly honorable judge should be." Starr also uses the flag-burning case as an example of a general movement within the federal judiciary toward extending the range and the level of the protection of speech.

For the Rehnquist Court, a "strongly unifying principle" under the First Amendment involves equality. This principle forbids the government to discriminate against either speech or speakers. In 1993, for example, the Court ruled that a Long Island school district could not exclude leaders of an evangelical church from its facilities. In the Court's view, school districts must treat all speakers in the same way; they cannot exclude religious speakers if they are including everyone else. Starr argues that the equality principle has been supplemented by a ban on coercion. In a representative case, the Court ruled that the California bar association could require lawyers to pay dues, but it could not use those dues for political activities that go far beyond what bar associations are organized to do. When dues are used to support efforts to obtain a freeze on nuclear weapons, some people are being coerced to support ideas of which they disapprove. This, the Court ruled, is constitutionally intolerable.

In Starr's account, an anti-coercion principle also explains the Supreme Court's controversial, five-four decision in the Boy Scouts case, in which the Court struck down a New Jersey law forbidding the Boy Scouts to discriminate against homosexuals. For the Court, the problem with the New Jersey law was that it coerced an organization to act in a way that was inconsistent with its basic commitments. Starr strongly approves of this decision, which he sees as emblematic of the Rehnquist Court. He urges that "this was the cautious prudent Court unwilling to rock the boat" and unwilling to "bring about a fundamental change in American traditions." Starr argues that "trampling over venerable organizations such as the Boy Scouts would have been viewed in much of the country as unwarranted and unwise. Where the stakes were high, the Court would show restraint." Here as elsewhere, Starr praises "restraint" and approves of decisions that respect "traditions."

Starr also devotes a chapter to campaign finance legislation. He offers a clear and straightforward account of the leading decision, *Buckley* v. *Valeo*. There the Court offered two major rulings. First, it ruled that Congress could, without offense to the First Amendment, impose limits on contributions to political campaigns. Second, the Court ruled that Congress could not limit expenditures, in which people spend money on their own rather than give it directly to candidates for their own use. The Court reasoned that campaign contributions risk the appearance and reality of corruption, in the form of a "quid pro quo": dollars in return for favors. But with expenditures, the Court said, there is no such risk, simply because the money does not go directly to candidates. In the years since *Buckley*, the Court has issued a number of complex rulings, and several of its members have argued that the basic holding in that case should be rethought. Justices Scalia and Clarence Thomas seem to think that the Constitution might also protect campaign contributions, whereas Justices Stephen Breyer and Ruth Bader Ginsburg have suggested that the Constitution might not protect campaign expenditures. But the Rehnquist Court has shown a determination to "stay the course," continuing in the basic path set out by its predecessor.

With respect to privacy, Starr's basic message is that while the Rehnquist Court has not overruled the particular decisions of its predecessors, it has refused to go beyond those decisions or to build on them to create rights that are not rooted in long-standing traditions. This Court is not "anxious to announce some new constitutional right that pitches the nation into another lengthy and bitter debate over the decision's consequences and legitimacy." Starr plainly does "not admire" the outcome in *Roe* v. *Wade*. (As solicitor general, Starr filed briefs calling for *Roe* to be overruled, and a widely held view has it that it was in part owing to those briefs that he was not a serious contender for either of the Supreme Court vacancies under President George H. W. Bush.)

Yet his most fundamental objection is to the Court's "methodology" in that case, in which, he thinks, the Court paid too little attention to the text, structure, and history of the Constitution. Hence Starr is critical of the Rehnquist Court's refusal to overrule *Roe*. He urges that "the Court ought to be more willing to reassess its prior constitutional decisions." This is because the Constitution is so hard to amend, and because "the Court itself is unelected yet enjoys broad power to issue rules that affect the culture." But Starr is glad that the Court's middle-of-the-road decision, limiting without overruling *Roe*, "did not, in the end, portend a revival of *Roe*'s discredited methodology." In the most prominent case, the Court refused to use the idea of "privacy" to create a right to physician-assisted suicide. With an air of celebration, Starr writes that "restraint, more than two decades after *Roe*, was finally the order of the day."

His mostly critical attitude toward the Warren Court notwithstanding, Starr supports that Court's treatment of racial issues. Starr thinks that "equality triumphed" when the Court struck down official segregation on the basis of race. In his view, this was all to the good. Starr insists that equality has also triumphed on the Rehnquist Court, which has been increasingly skeptical of affirmative action programs. In its first confrontation with affirmative action in the famous *Bakke* case, which was decided in 1978, the Court refused to rule that such programs were always unconstitutional. The deciding vote, on the badly split Court, was cast by Justice Lewis Powell. Powell concluded that rigid quota systems were invalid, but that universities could nonetheless use race as a "plus" in admissions so as to promote the goal of diversity. In recent years, the Rehnquist Court has frequently struck down affirmative action programs,

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insisting that courts should apply to them the same "strict scrutiny" applied to other kinds of racial discrimination. Starr applauds this development. He urges that the Court has showed evenhandedness "in applying the equality principle" and has been "framing doctrine that could guide the lower courts—doctrine that clearly threatened racial preferences." Starr likes the Court's "demanding standard," which he sees as "the rigor of a lawyerly Court of lawyers."

It is in the area of federalism that the Rehnquist Court has been most aggressive. Since 1995, the Court has struck down at least nine acts of Congress on federalism grounds. In the most visible of these cases, the Court invalidated the Violence Against Women Act, concluding that Congress lacked the power to allow victims of sex-related violence to bring suit in federal court. Now the Constitution expressly authorizes Congress to regulate commerce among the states, and Congress expressly found that such violence has a clear connection to interstate commerce. But the Rehnquist Court was not convinced. "It surely appears to the Rehnquist majority," Starr observes, "that Congress acts as though its powers were not limited by the Constitution, as though it could legislate on any subject it chose."

Starr seems enthusiastic about the development of greater limits on the powers of the national government. He refers with apparent approval to Chief Justice William Rehnquist's concern "that the modern Congress often rushes to pass a law in order to appear responsive to whatever problem seems to have caught the public's attention." As Starr notes, the pivotal votes on the Court are provided by Justices Sandra Day O'Connor and Anthony Kennedy, who qualify, in his account, as moderates who seek "the protection of the federal structure ordained at the founding."

THIS, THEN, IS Starr's portrayal of the Rehnquist Court—as a set of cautious, incremental, lawyerly judges, very different from their more willful and reckless predecessors on the Warren Court. The portrayal is not entirely groundless. And of course fidelity to the law matters a great deal. But something is missing. The most obvious difference between the Warren Court and the Rehnquist Court is that the former was liberal and the latter is conservative. With his celebratory references to "restraint," "rigor," "equality," and the "lawyerly court of lawyers," Starr obscures this difference. There is something mildly Orwellian about all this.

Consider some examples. Starr thinks that with respect to affirmative action the Rehnquist Court has "proved more restrained than the Warren Court would have been," because the Rehnquist Court has generally struck down laws that "allocate opportunities with race in mind." This is very odd. In almost all of the relevant cases, affirmative action programs have been devised and approved not by courts but by Congress, state legislatures, or the executive branch of government. When the Rehnquist Court invalidates programs that require affirmative action, the Court is rejecting the views of the elected branches of government. What is "restrained" about that? Sensibly enough, Starr defines restraint as "the principle that unelected judges should be highly deferential to the judgments of the political branches." Then how can it be "more restrained" to strike down laws than to uphold them? Of course it is possible to think that affirmative action programs are bad, but the Constitution does not clearly outlaw them; on the contrary, the relevant history strongly suggests that those who wrote and ratified the Fourteenth Amendment did not mean to prohibit race-conscious programs designed to benefit African Americans. If the Warren Court were to have allowed such programs, it would have been far more "restrained" than the Rehnquist Court, which consistently strikes them down.

The same problem infects Starr's discussion of the Boy Scouts case. Recall that in that case the Court invalidated a New Jersey law forbidding all organizations, including the Boy Scouts, to discriminate against homosexuals. Starr reports that "this was the cautious prudent Court unwilling to rock the boat." He adds, with an evident sense of celebration, that because "the stakes were high, the Court would show restraint." This is almost comically sloppy. Nobody was asking the Court to rule that homosexuals have a constitutional right to be free from discrimination. Nobody claimed that the Constitution requires the Boy Scouts not to discriminate against homosexuals. On the contrary, it was the Boy Scouts who were asking the Court to intervene, to use the Constitution to strike down a law enacted by the elected representatives of New Jersey. In invalidating the New Jersey law, the Supreme Court might have been right; but it is ludicrous to say that the Court showed "restraint." Here, as in the context of affirmative action, Starr uses the word "restraint" as a kind of all-purpose word of approval, a guaranteed applause line for decisions that he likes.

Starr is right to say that in an important sense the Rehnquist Court does consider itself "first among equals." The Court does not like to defer to other branches of government. *Bush* v. *Gore* is only the most visible example of the Court's readiness to step into the political domain. In fact, Starr understates the Court's self-confidence. On an annual basis, the Rehnquist Court has struck down more federal laws than any other Court in the last half-century—and very possibly more than any other Court in the nation's history. So much for restraint. This is a remarkably bold Court.

BUT STARR ALSO insists that, compared with the Warren Court, the Rehnquist Court is moderate, cautious, and lawyerly, and here things are more complicated. To be sure, the Rehnquist Court, led here by Kennedy and O'Connor, does tend to issue narrow rulings, usually limited to the facts of the particular case. But a skeptic would emphasize another point. Key decisions of the Warren Court fit with the agenda of the moderate (and sometimes not so moderate) left; key decisions of the Rehnquist Court fit with the agenda of the moderate (and sometimes not so moderate) right. Where the Warren Court struck down school segregation, the Rehnquist Court strikes down affirmative action programs. Where the Warren Court vindicated the rights of political dissenters, the Rehnquist Court protects commercial advertisers and strikes down campaign finance regulation. Where the Warren Court authorized Congress to enact civil rights acts, the Rehnquist Court strikes down the Violence Against Women Act and the Religious Freedom Restoration Act. Where the Warren Court protected the associational rights of the National Association for the Advancement of Colored People by forbidding Alabama to require disclosure of the names of its donors, the Rehnquist Court protects the associational rights of the Boy Scouts by forbidding New Jersey to ban discrimination against homosexuals. Where the Warren Court invoked a principle of political equality to forbid poll taxes and to require "one person, one vote," the Rehnquist Court invokes a principle of political equality to forbid manual recounts (and thus to ensure the election of George W. Bush).

Looking just at results, the skeptic might find it revealing that while Warren Court decisions often resembled Democratic Party platforms in the late 1960s and early 1970s, Rehnquist Court decisions are not infrequently in line with Republican Party platforms in the 1980s

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and 1990s. Certainly I do not claim that this kind of crude skepticism tells us all or most of the story. Law matters, and the decisions of the Supreme Court are not political in any simple sense. Sometimes justices do vote in a way that violates their ideological convictions. But in many significant cases, the Constitution and judicial precedents are ambiguous, and hence justices have room to maneuver. In such cases, even the most lawyerly justices are likely to be affected by their general views about equality and liberty. Much of the time, conservatives and liberals are going to think differently. Yet Starr says remarkably little about the significant ideological differences between the Warren Court and the Rehnquist Court. His talk of "restraint" and "moderation" obscures those differences.

Would Starr argue that the Rehnquist Court is simply applying Warren Court decisions, and doing so neutrally? This would be a real stretch. In striking down affirmative action programs, the Rehnquist Court has re-interpreted the Warren Court's equality decisions; it has not merely applied them. In giving constitutional protection to commercial advertising, the Court has not applied but overruled Warren Court decisions. And in striking down acts of Congress on grounds of federalism, the Rehnquist Court has repeatedly deviated from the Court's own precedents. Indeed, the Court's new federalism decisions suggest a project as ambitious, in its way, as many of the projects of the Warren Court itself.

Perhaps Starr would respond that the Court's decisions are not only incremental but also carefully reasoned. Here, too, there is a great deal of truth. It is certainly true that the conservatives on the Rehnquist Court, more than the liberals on the Warren Court, usually attempt to ground their decisions in the text and the original understanding of the Constitution. The difference should not be overstated, because text and history mattered to the Warren Court too; but the difference is real. Should we conclude, then, in line with Starr, that the Warren Court was a bit reckless and a bit lawless, whereas the Rehnquist Court is lawyerly and cautious? Would it be more illuminating to emphasize this difference rather than the simple fact that the Warren Court was dominated by liberals and the Rehnquist Court by conservatives? I don't think so. To its credit, the Rehnquist Court does emphasize text and history, but this emphasis does not fully explain the pattern of decisions that I have described. When text and history are ambiguous, political convictions matter too.

Starr insists that the Rehnquist Court is dedicated to three general principles: equality, individual conscience, and judicial restraint. There are big problems with this claim. Couldn't the Warren Court, no less than the Rehnquist Court, be said to have been dedicated to equality, respect for individual conscience, and judicial restraint? The Warren Court tried to promote equality by invalidating racial segregation and promoting the rights of the poor. By consistently protecting political dissenters, the Warren Court showed respect for individual conscience. By allowing Congress a great deal of room to maneuver, by upholding restrictions on commercial advertising, and by allowing a great deal of government regulation, the Warren Court showed restraint. Any Supreme Court within the last hundred years can be shown to have respected, at least some of the time, the principles of equality, individual conscience, and judicial restraint. In suggesting that respect for these principles makes the Rehnquist Court distinctive, Starr is unconvincing.

Yet the most serious problem goes deeper. Simply as a matter of logic, a court cannot be consistently committed to equality, individual conscience, and judicial restraint. A Supreme Court that insists on judicial restraint will generally uphold duly enacted laws. It will uphold them even when people complain that they violate equality or intrude on individual conscience. A Supreme Court that insists on equality, or on respect for individual conscience, will strike down a lot of laws, and hence refuse to show restraint. In any case the relevant ideals are contested; is equality promoted or undermined by affirmative action programs? It is worse than unhelpful for Starr to try to explain the work of the Rehnquist Court by invoking these vague and contradictory ideals.

Writing in the early part of the twentieth century, the American legal realists argued that general principles do not decide concrete cases; that what judges say is less important than what they do; that it is necessary, much of the time, to ask whose interests are served by one or another set of outcomes. By treating legal reasoning as a mere façade, the legal realists overdid it. And the Rehnquist Court is certainly far from lawless. But Starr's charitable and cheerful account, emphasizing the "lawyerly" qualities of the current justices, obscures a disturbing point. Too much of the time, there is an unmistakable connection between the Rehnquist Court's reading of the Constitution and the political commitments of the Court's most conservative members. ■

Honesty and History

By THOMAS NAGEL

Truth and Truthfulness: An Essay in Genealogy by Bernard Williams

(Princeton University Press, 336 pp., $29.95)

ITS VIRTUOSO BLEND of analytic philosophy, classical scholarship, historical consciousness, and uninhibited curiosity marks *Truth and Truthfulness* unmistakably as a work by Bernard Williams. He responds to Rousseau and Diderot; Thucydides, Herodotus, and Homer; Nietzsche, Hume, Plato, and Kant; Rorty, Habermas, and Hayden White. He manages to be frequently entertaining and never to show off.

The book is about what Williams calls the "virtues" of truth—that is, the value we attach to certain relations or attitudes to the truth, notably accuracy and sincerity, and including the modern virtue of authenticity. The book is also, more indirectly, a response to skeptics about the reality or intelligibility of truth—the "deniers," as he calls them; and he leans over backward to find something other than confusion in their position, or in its underlying motives.

Recent skeptics about truth have laid themselves open to easy rebuttal by overgeneralizing their doubts into a denial

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that there is such a thing as truth, or that it matters. Nobody really believes this, says Williams, including the deniers themselves. There are plenty of plain everyday truths—that today is Wednesday, that plants need water, that Paris is the capital of France—and no possessor of language can seriously think otherwise. "But," says Williams, "there may well be much of the critique that the reply leaves untouched: the suspicions about historical narrative, about social representations, about self-understanding, about psychological and political interpretation—all of this may remain as worrying as the deniers suggest."

Williams thinks that it is important to address these worries because he believes that the alienation of the humanistic academic left, with its rhetoric of power as the ruling standard in place of truth, is destructive of the only authority that the academy can hope to claim, an authority based on accuracy and honesty. And he believes we cannot understand those virtues apart from a belief in the reality and the importance of truth.

His approach is unorthodox. Unlike most philosophers of the analytic tradition, he has not kept himself aloof from the rest of the humanities, and he wishes to address the skeptics in other fields in terms that will make sense to them. In particular, he objects to the strongly ahistorical character of analytic philosophy: the amount it tries to accomplish by conceptual analysis and a priori argument alone. This book exemplifies Williams's conviction that philosophy must use history, including historical imagination, to understand and to defend values of any kind.

THE QUESTION THAT Williams raises is easy to overlook: why should we care about truth and truthfulness in the way we do? It is easy to overlook because there seems to be a simple instrumental answer: the truth is extremely useful, whether it is about the strength of building materials, or the safety of a food additive, or the intentions of someone with whom you are making a contract. Your life depends on most of your beliefs being true, and it therefore depends on a cultural norm of accuracy in the formation of beliefs and in their transmission.

Still, the functional utility of such a norm does not explain the value that we assign to truth and truthfulness for their own sake. By and large, we think that it is good to believe and to tell the truth whether this is instrumentally useful or not. Most of us are not at all comforted by the thought that what we don't know won't hurt us. In fact, the norm would not possess even its instrumental value unless most people also valued it intrinsically. As Williams remarks, "The reason why useful consequences have flowed from people's insistence that their beliefs should be true is surely, a lot of the time, that their insistence did not look just to those consequences but rather toward the truth: that it was bloody-minded rather than benefit-minded."

This is a common feature of ethical norms, from promise-keeping to property rights to the rule of law. Their social usefulness is not enough to explain the individual motivation to adhere to them, and without this distinctive individual attachment they would not be able to function as they do. The utility of promises depends on most people's unwillingness to break them even for reasons of utility. What kind of sense can we make of this?

Williams does not wish to answer the question by appealing to an abstract universal principle such as Kant's categorical imperative, which says essentially that you should not make an exception for yourself from rules that you would like everyone else to follow. He proposes instead to offer a historical account of how our specific attachment to the virtues of truth could have arisen, naturally but contingently—an account that will allow us to understand who we are and to affirm our values without further justification.

This is what he means by calling the book "an essay in genealogy." The term is an explicit reference to Nietzsche's *A Genealogy of Morals*. Williams wants to make our present attitudes toward truth intelligible through a historical interpretation, but one that explains how they have gone beyond their historical sources. It will be a partly functional explanation of dispositions that do not have a purely functional value. It will not reduce the value of truth to that of some end that truth serves, but will try to make the value intelligible and "stable under reflection" by showing how in its modern form it has come to be associated with other values that we care about.

So the aim is very different from that of Nietzsche's famous essay in genealogy. Nietzsche attempted to debunk Christian morality by finding its roots in hatred and resentment, whereas Williams proposes to offer what he calls a "vindicatory" genealogy of the virtues of truth—one that will reinforce rather than undermine our attachment to those virtues, while at the same time acknowledging their contingency.

As a classic example of vindicatory genealogy Williams cites Hume's account of the origin of what he called the

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"artificial virtue" of justice—respect for property rights and the obligation of contracts. According to Hume, these values arose because the rules of property and contract are vital improvements in the condition of human life, but they survive because people brought up under those conventions come to be attached to them for their own sake, so that a failure of rectitude damages their self-esteem and forfeits the respect of others.

In spite of occasional remarks that are seized on by the deniers to claim him as an ally, Nietzsche was not a skeptic about the reality or the value of truth. Indeed, he thought that the capacity to face the truth and to avoid illusion, particularly about oneself, was all-important, though difficult and not conducive to happiness. Williams thinks of himself as pursuing a Nietzschean project of a "revaluation" of the values of truth through self-understanding. It is a revaluation because it starts over, from a contingent historical perspective, in order to find out whether it is possible to regain confidence in values that have lost their hope of universal validation through a religious or metaphysical world picture or through the exercise of pure reason.

Williams wants to vindicate these values without making what he regards as excessive claims of universality or necessity; he is a deep-dyed anti-Platonist, and particularly in ethics he is an opponent of the transcendental ambition, typified also by Kant, of trying to ground our values in something higher than the contingencies of human history and psychology. This was a major element in Williams's earlier writings, such as his *Ethics and the Limits of Philosophy*. Disdain for those whom he regards as high-minded is one of his favorite occupations. It may be possible to re-affirm the virtues of truth and the modern culture of political liberalism in which those virtues are embedded; but Williams believes that to reinstate this confidence in the absence of a transcendental validation, we need history.

The history that Williams offers is partly fictional. This belongs to an old philosophical tradition, found particularly in political philosophy, called "state of nature theory"—a tradition that includes the famous fiction of the social contract. Hobbes or Locke or Rousseau imagines how political institutions and their governing principles might have arisen by agreement out of a more primitive condition of life to meet human needs that could not be met without them, and how human beings would have to change to allow those institutions to be stable. It is a way of connecting a moral structure with more basic features of human nature, human psychology, and the human condition, so that the structure can be seen as a development within the natural order—but one that is cultural and not merely sociobiological.

Williams conceives state-of-nature theory as a form of ethical naturalism: "explaining the ethical in terms of an account of human beings which is to the greatest possible extent prior to ideas of the ethical." He proposes to apply this technique to the virtues of truth—sincerity and accuracy—by starting out from an imaginary pre-literate state of nature (not to be identified, he says, with the Pleistocene) and then, as the story progresses, gradually folding into it some real history that will allow us to understand more fully where we are today with respect to truth in science, in politics, in history, in personal relations, and in individual self-awareness. By understanding how we arrived or might have arrived at those values, Williams thinks, we can help endow them with stability.

THIS SEEMS TO me a very strange project. To display our present values as the product of a possible or actual process of contingent development cannot vindicate them unless it shows that we have arrived at the right place. If our values would not be acceptable without this story, they are not acceptable with it; and if they are acceptable with it, they ought to be acceptable without it. The history may be interesting and even true, but how can it produce stability unless it helps us to appreciate justifications that can be used in the present—as social contract theories typically try to do? Vindication by history seems no more promising with regard to the virtues of truth than it does in politics.

It is because he rejects the universal ambitions of most moral philosophy that Williams is drawn to this alternative. He insists, for example, that the emergence of liberalism, with its commitment to toleration, liberty, and certain forms of equality, cannot be understood as a cognitive achievement—a discovery that this system of values is closer to being correct than its predecessors. But why, by contrast, should a history of how we came to be who we are serve as a source of confidence if the values with which we have ended up do not sustain themselves? There are no doubt many sub-moral values that do not claim universality and that can be understood only through the history of contingent local practices and customs. But the virtues of truth do not seem remotely like that.

This, I know, is the response of a hopeless Kantian, or even a Platonist. Fortunately, much of what Williams has to offer can be detached from the state-of-nature framework, which is in any case submerged much of the time. The nonfictional history is more interesting, and it serves as a backdrop for reflections on contemporary culture and a useful reminder of how much worse off we could be.

Williams observes first that the mere existence of language, with its central use to assert what is the case and to represent the speaker's beliefs, does not by itself provide an individual speaker with any reason not to lie if he can gain something by it; nor does it tell him how much trouble he should take to see that his beliefs are true. Further, as we have already noted, the fact that accuracy and sincerity have a collective utility does not explain why we should regard them as intrinsically valuable—yet without such an attitude even their collective utility would not be sustainable.

When he sets out to paint trustworthiness in colors that make it intrinsically attractive, Williams does not rely on genealogy but simply talks about what the disposition is. It cannot be captured by a simple rule against lying, because it is sometimes perfectly all right to lie (particularly to someone who does not deserve the truth, such as the man bent on homicide), and because the distinction between lying outright and saying something literally true but deliberately misleading is less morally significant than it is sometimes taken to be. (Thus Williams opposes the "fetishizing of assertion," familiar from Catholic casuistry and illustrated by the story of Saint Athanasius, who, when asked by his pursuers, "Where is the traitor Athanasius?" replied, "Not far away!") Williams makes it intelligible why failure of trustworthiness in the more complex modern form should be a reason for shame, and for loss of respect from those whom we ourselves respect.

Williams explains why accuracy and the resistance to self-deception cannot be understood apart from truth—the way the world is independent of our will. Thus, although wishful thinking threatens accuracy, the motivation of scientists by the desire for fame and glory does not threaten accuracy, because it does not abandon the principle that reality is resistant to our will. Williams is excellent on why the virtue of accuracy is a form of freedom, and on the awfulness of the kind of exercise of power, illustrated in Orwell's *1984*, that forces the abandonment of the ideal of truth by subordinating belief to the will of another instead of to reality.

In fact, the opposition between the virtues of truth and the pure exercise of

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power is very effectively brought out in Williams's book. "The victim recognizes the bare-faced lie as a pure and direct exercise of power over him ... and this is an archetypal cause of resentment: not just disappointment and rage, but humiliation and the recognition that in the most literal sense he has been made a fool of." Accuracy and trustworthiness represent a kind of equality in the relations between people, whereby each of them is subject not to the unanswerable will of others, but only to the stubborn independence of reality.

In politics, this expresses itself in a critical method that undermines many claims to legitimate domination: "If one comes to know that the sole reason one accepts some moral claim is that somebody's power has brought it about that one accepts it, when, further, it is in their interest that one should accept it, one will have no reason to go on accepting it." Williams says that this is "one of liberalism's most powerful weapons, because it does not depend on merely asserting liberalism's own set of values against a rival set but mobilizes the values of truth in a distinctive political interest." It is an advantage, from Williams's point of view, that "although it does not rely on a theory of moral truth, it does deploy a theory of error." But here again I would ask how there can be a theory of error unless we assume that there is such a thing as truth in the vicinity, even if we are not sure how to find it. What is error if not something that leads you away from the right answer?

In spite of the link between the virtues of truth and liberal political institutions, Williams does not believe that the truth is most likely to emerge from the free marketplace of ideas. The most effective truth-seeking communities, such as universities and scientific-research establishments, exercise strict entry controls and do not give a hearing to every crank who thinks that he has something to say. The political protection of free expression is designed not to reach the truth but to guard against tyranny, with all its familiar horrors. It is those with a monopoly of the use of force who must be denied the right to restrict dissent. This is what Judith Shklar called the "liberalism of fear," and while it is only part of the justification for political freedom, it is the most basic part.

Do You Remember

When we were children behind the church
there was an enemy coming on always from over the pond
we parcelled out salaries of pebbles
we were always dividing
the gravestones had to be kept alone
and the sacks of potatoes
they look so much larger now under the Polish signs
were the bodies that rose up at night and leapt onto the swings
to continue our work
do you remember I did not know you
though each day we met behind the church
it did not belong to me
truckdrivers thumbs up horns and cigarettes
always knew us
they were part of the larger battle
our raging discussions of which way the weathervane pointed
when it meant rain
and what signal we would be given
when it was time to lay down our branches

Matthew J. Zapruder

Williams's book is packed with interesting readings: for example, a discussion in the line of Lionel Trilling of how the modern conception of authenticity arose from a version found in Diderot, involving self-discovery and self-construction as an essentially social activity, rather than the version found in Rousseau, which depends merely on individual self-knowledge plus candor. Two of Williams's ten chapters are explicitly about history and historical truth. One ascribes to Thucydides the invention of historical time, in the sense of a single sequence of yesterdays in which anything that really happened must be located. Everything else is either false or a myth. By contrast, Williams contends (using Herodotus as his example) that before Thucydides the past was regarded as partly indeterminate; it included legendary events without specific temporal location—where this did not mean merely that their precise location was not known. These events were just thought of as having occurred "in legendary times," and the correct version of these events was to be determined not by historical evidence but by narrative tradition. Williams says that because Herodotus did not have the objective conception of linear historical time that Thucydides invented, this cannot be regarded as a confusion. This seems to me unnecessarily generous—another questionable subordination of philosophy to history; but be that as it may, the discussion, which engages with many learned commentators on the issue, is an extraordinary display of subtlety and imagination.

Williams's final chapter takes up the familiar problems of the role of interpretation in history and its relation to truth. It argues sensibly that although history must start with plain facts of the kind that positivists like, and the generally available forms of explanation that apply at all times, this is both too much and too little for history. History requires a radical selection from among the bare facts, and their interpretation. Interests determine the value of an interpretation because they determine the questions that it needs to address. And yet the relativity of interpretation to interests does not mean that it is all a matter of choice. We cannot choose what makes sense of the past, any more than we can choose what is factually true. History is not like myth, which must meet only the standard of what a select audience would like to hear. But the fact that there continues to be a lively demand for myths about the past by many audiences makes the discipline of truth and objectivity in history indispensable.

It is particularly important, says Williams, for the survival of liberalism. "This claim may seem a joke, granted the raft of myth that has sustained liberal societies in the past and still helps to do so," he observes. "But it is truthful inquiry that has taken those myths to pieces.... Liberalism may have destroyed in some part its distinctive supporting stories about itself ... but the resources of the liberalism of fear, which work everywhere, may keep it afloat. A truthful history will remind one of those resources, and of what it costs in terms of quite basic human loss if a mythical order takes over." Near the beginning of his book, Williams writes that "the most significant question is not about the truth-status of political or moral outlooks themselves. It is about the importance that those outlooks attach to other kinds of truth, and to truthfulness." This is a false contrast. The need to justify our moral and political convictions by something more than tradition cannot be separated from the aim of getting them right, and this is an indispensable part of what it is to care about the truth. But even if one does not heed Williams's call to give up the quest for moral truth in favor of genealogical vindication, a great deal of what he says about the moral importance of nonmoral truth remains true and vitally important. ■

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Giving Satisfaction

By DAVID THOMSON

Nobody's Perfect: Writings from *The New Yorker* by Anthony Lane

(Alfred A. Knopf, 722 pp., $35)

IF *THE NEW YORKER* wanted a film critic, and it could only choose from the characters in *The Importance of Being Earnest*, who would get the job? Yes, I know the proposition is fanciful, though it is not necessarily fruitless, especially when Anthony Lane (one of the present incumbents, though so sprightly that the word "incumbent" seems misleading) takes as an epigraph to this vast collection a conversation from that play between Algernon and his manservant Lane in which, told that he is a perfect pessimist, Lane replies: "I do my best to give satisfaction, sir."

Well, Lane is already established as a sparkish, merry, very cool, and elegant writer—a sane head at mad movies. If he does not exactly or always deliver satisfaction, it is not for a lack of trying. He is a born entertainer. And if his days in the dark are so often disappointing, well, he does his best to be fun (a very important concept to Lane) at the expense of elephantine movies. He can be hilarious talking back to the screen and mocking the follies of its ghosts in a way that was pioneered by S. J. Perelman, who was also a screenwriter, to his extra rue.

A large part of Lane's (and our) problem, of course, is that so few contemporary movies deserve his high spirits, his intelligence, and his playfulness. He never really turns to that subject in the way that one of his predecessors, Pauline Kael (a Gwendolen who became a Lady Bracknell) sometimes simply refused to get out of bed and go to the screening room and its depressing dark, and instead poured five thousand or so baleful words on the business that was spoiling her medium, her art, her fun. A very important distinction lies therein, I think: scolding the business while asserting that a medium and an art might exist, and thrive, independently of it. That is where we, the readers and the filmgoers, have to decide whether or not it is worth asking more of what we call film criticism.

But to begin with the horribly young Anthony Lane—by which I mean only that his youth seems horribly intimidating to me. (He says he is forty, but he can seem no more than a dashing twenty-four with, somehow, twice that long spent in the world's library.) Over the years Lane has said very kind things about me in public, about how my work encouraged him to be a film critic. That means a lot to me; but it is distressing to realize that he could be my son, and it opens up a prospect and a question—what will become of Anthony Lane?—that I can hardly see getting sufficient answer or material from the movies. And we have further affinities: we were both born English and then, in different ways, urged to throw our hats into the American ring; we have both been associated with the *Independent on Sunday* and the *Independent* in London; and, to my recollection, we have shared a few meals over the years without quite becoming friends of the degree that would disqualify us from reviewing each other's books. If I am unlikely to be altogether harsh with Lane, it is not just because of the high quality of his work, but because I feel we are trying to do the same thing in much the same spirit. We deserve sympathy more than the lash.

Lane was invited to write for *The New Yorker* by Tina Brown in 1993, and he has been in those pages ever since. He is certainly the brightest voice on film in that magazine since the days of Kael; or, to be more precise, since the days of Kael some years before she felt compelled to retire. Kael's body betrayed her, but her medium had gone sour first. That is another way of saying that Kael in her sexpot Gwendolen days had the enormous advantage of coinciding with a heady moment in American film. There are two broad ways of defining that moment: first, that there was a rash of good, daring, dangerous pictures as Hollywood lost confidence and control, and brash youngsters found more liberty; and second, that there was an urge for film education in American colleges and universities that swelled her potential readership.

I have in mind the years from *Bonnie and Clyde* (the occasion for Kael's coming-out dance) to the end of the 1970s. It's not that Kael necessarily reviewed all of these films (for she was shorn to her task and made all the more eloquent because of that). But the Age of Kael includes *Bonnie and Clyde*, both parts of *The Godfather*, *The Conversation*, *The Long Goodbye*, *McCabe and Mrs. Miller*, *California Split* and *Nashville*, *Chinatown*, *The Last Detail* and *Shampoo*, *Mean Streets* and *Taxi Driver*, *The Conformist* and *Last Tango in Paris*, *Carrie* and *The Fury*, *The French Connection*, *The Exorcist*, *Klute*, *The Parallax View*, *Jaws*, *Close Encounters of the Third Kind*, *Annie Hall*, *American Graffiti*, *Star Wars*, *Harold and Maude*, *Two-Lane Blacktop*, *Five Easy Pieces*, *The King of Marvin Gardens*, *Badlands* ... I could go on. You don't have to accept all of those as masterpieces, or even as great films. Still, as you go through the contents of Lane's reviews for the years since 1993—or as I go through them—I have a hard time finding films of the same weight, fizz, or threat.

INSTEAD WE FIND that this real hope for criticism, or reviewing, or whatever, has had to grapple with *Indecent Proposal*, *Sleepless in Seattle*, *Speed*, *Wolf*, *Forrest Gump*, *Pulp Fiction*, *Braveheart*, *The Bridges of Madison County*, *Crash*, *Con Air*, *Contact*, *Titanic*, *Godzilla*, *Ronin*, *Meet Joe Black*, *The Phantom Menace*, *Gladiator*, and *Mission: Impossible 2*. Not that this makes Lane dull to read. You have only to return to his dainty shredding of *Indecent Proposal* to learn the lesson that bored high spirits may be far better aroused by a really bad film than a solemn, high-minded failure.

This collection (only a selection, we are told, with none of Lane's early London stuff) is far too indulgent, but any reader will have a lot of fun waiting for things like this on Robert Redford meeting Demi Moore in *Indecent Proposal*:

> So when he sees Diana in a Vegas boutique the wheels of lust start to grind, and before you can say junk bond he's asking her to kiss his dice and throw a seven. She wins, of course, whereupon he installs her and David [her husband, Woody Harrelson]—who have just lost all their cash—in an expensive suite. They look awed and pleased, although it's probably the nastiest hotel room ever

DAVID THOMSON'S *The New Biographical Dictionary of Film* has just been published by Knopf.

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> seen on film: a steel-blue mess, rounded off with a delightful touch, at least in the print I saw—a microphone nodding from its boom at the top of the frame. Gage [Redford] then makes his big offer: a million bucks for a night with Diana—no aftermath, no strings. "It's just my body," Diana explains. "It's not my mind." I was glad to have that cleared up, though it does raise an interesting question: How much would you pay for an evening with Demi Moore's mind?

That is classic Lane, and it comes from a piece written in 1993, when he was a beginner. But flip to the other end of this tome and look at the review of *Pearl Harbor*, which is witty in exactly the same way:

> The last Michael Bay film, *Armageddon*, was a handy guide to what you should do when an asteroid bumps into your planet. At the time, most critics scorned the picture as deafening and dumb; in retrospect, it feels like a mature, even witty, exercise in self-reference, considering that the effect of watching a Michael Bay film is indistinguishable from having a large, pointy lump of rock drop on your head. His new picture, *Pearl Harbor*, maintains the mood, pulsing with fervor as it tells a tale familiar to every child in America: how a great nation was attacked and humbled by the imperious pride of Ben Affleck.

Again, this is burst-out funny, a pineapple of wit appearing suddenly on a bare plate. Read it in a public place and you are in danger of being carted away for yielding to unwarranted laughter.

This is the kind of droll backhander that Lane pulls off five or six times in a set. He is truly a beautifully balanced comic knocker, without a trace of malice. You know he would treat Demi Moore just as well as he would a good golden Labrador retriever. And yet the joke about her in 1993 is not just funnier, it is truer to that film. For *Indecent Proposal* is very much the kind of melodrama that might have stewed its way into life in the banal but fevered mind of Moore; whereas the joke about *Pearl Harbor* is not nearly as penetrating of that awful film. Yes, Ben Affleck and his assurance are fatuous, but *Pearl Harbor* is dire because of the way its own historical idiocy has been obscured by techno-lust (the remorseless efficiency at explosions). It is a movie that fervently wants Pearl Harbor to be attacked so that it can blow everything up. And the fact that it came close to prospering at the box office has to do with the way not every kid in America now knows the reality of Pearl Harbor, yet every kid rejoices in the medium's capacity for *Wow!* and *Crunnnnch!*

AN ASIDE THAT may prove instructive: a very good friend of mine is nowadays in the habit of going to the movies with a bunch of pals. They have no interest in films that might have any virtue; perhaps they have given up believing in that cause. Instead they prefer to go to what, in advance, they trust will be a bad film. They have rich fields of choice, and they seldom face the embarrassment of being trapped in the dark with anything that stills their good-natured riot, or even moves them. They treasure the desolate vanity of minds such as Demi Moore's. They feast on bad lines, far-fetched situations, demented plot turns. Now, one can easily suggest that the American movie has always been catering to their smart superiority—Perelman's wild notices from the 1930s and the 1940s were all founded in the aghast wonder of look what we're sitting through! Why should people stay as silent as neutered cell phones in the dark when trash deserves riposte? Wretched movies have always been fit for audience interaction. If you have to see *Indecent Proposal*, see it with my friend and the gang. And Anthony Lane is their reviewer of choice, because he seems to go to the movies with nothing but his wit and his long-suffering incredulity to defend him against outrageous coincidence and indecent proposals.

All of which tends to show how, in the space of ten years, Lane at *The New Yorker* has become the suave voice of a kind of superiority that has always reckoned the movies were silly, diseased, and to be deplored. His own great talent has played into that portrait, whether or not he finds pleasure or even career in raising the laughter of New York's smart set. In fact, I do not think that he is remotely that kind of person. Knowing that the medium can be silly (or worse) is not the same as regarding it as shallow. Not even as steady a search for fun as Lane's necessarily commits film or cinema or the movies to being a place bereft of depth, passion, or mystery.

How do I know how serious Lane wants to be? Why, from the second half of this book, which gives up *Notting Hill* and *Dancer in the Dark* for such writers as Edward Lear, Nabokov, Cyril Connolly, André Gide, Evelyn Waugh, and so on. It is a credit to Lane and to *The New Yorker* that neither has been prepared to confine his intelligence to a dark where he finds so few signs of nourishment. Being English may have helped. Lane speaks with a kind of intellectual assurance that signals a very good education (Trinity College, Cambridge) as well as a manservant's knowledge that you should never let masters or employers get the upper hand, in life or in conversation. So Lane is dazzlingly well read, very intelligent on books and book people, and quite prepared not to have those pretty pineapple jokes explode in your face when he is talking about "serious" things.

Even as I read this book and wondered what to say about it, Lane appeared in *The New Yorker* with a lengthy appreciation of the films of Max Ophuls. That is fit company for essays here on Buñuel, Hitchcock, Tati, Bresson, Keaton, and Sturges that are really the best things that Lane has done, and which show how far the wisecracker is alert to entire careers and to the history of a medium. Here is Lane talking about Hitchcock on the occasion of his centenary, in an essay that runs twelve printed pages and which manages to place Hitchcock as both a model entertainer triumphing with large crowds in a crass business and a visionary—an artist even:

> What is at work here is something more intricate than comic relief; Hitchcock is not merely relaxing the viewers before he cranks them up again. One of the disarming morals of his movies—even of such a glum and hunted work as *The Wrong Man*—is that it's fun to be cranked; to watch someone take a wrong turn or to see Vera Miles glance curiously at the cellar door in *Psycho* is not to congratulate yourself on your own safe path but to get into your imaginative stride, to follow the victim or the sucker as far as you conceivably can. Film has eroded the stony Aristotelian principle that pity and terror become tolerable at a decent distance—say, at twenty yards from the stage. The movie screen flattens that aplomb and sucks the viewer in; what is more, as Hitchcock knew, we can even be invigorated by our helplessness. If Aristotle had ever checked into a motel and taken a shower, he would have felt the same.

Do you see how the wit there is tempered to make a real sensibility? Do you hear the widening reach and tone of an authentic critical voice, as opposed to a mere reviewer? Do you begin to imagine the critical presence that Lane might be if Hitchcock were alive still and doing his best work, and if Lane's enthusiasm for films, his love of them even, were not so much in danger of over-rating passing sensations such as *Speed* and *The Silence*

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of the Lambs? For Lane, just like Kael, wants to be invigorated by pity and terror and the convulsions of the screen. But like so many film critics these days, he runs the risk of making too much of minor successes.

Of course, anyone writing about Hitchcock today has the benefit of time and reflection, to say nothing of all the discerning things that have been written about him. There is a sentimentality about movies—it was vastly promoted by Kael—according to which films are different, and not like writing, music, and painting (or people, for that matter). Films, it is said, must be there now in front of us—the whole sensation—instead of eked out over time, recollected in tranquility, reappraised in argument, and allowed to age, like wine (or people). There are things to be said on either side, and it is certainly the case that America has tended to make pictures that could be eaten raw, on the bone, and in the dark, while other systems have made for pictures that respond to time and cuisine, human alteration, and growing older. So, let us say, the works of Renoir, Ozu, and Ophuls are like conventional works of art, whereas the great American films are akin to sports events, roller coasters, and traffic accidents—most of their power is owed to your being there when the live thing happened.

More and more, I find this view to be nonsense. There was a sensationalism in, say, *Birth of a Nation* that may have obscured its racism and its trashiness. There was a buzz to *Carrie* that diverted us from its cruelty. And there is a spectacle in so many American film sensations that tries to paper over their lack of human reality. Reviewing has become the culture of the thumb (up or down). What other field has so deliberately cut off its own eloquent fingers? But in what other would-be art has criticism been so coopted by advertising?

THERE IS SOMETHING else to add. Lane takes Hitchcock for granted as a master. Everyone does so now—but taking art for granted never helps much. There was a time, at Hitchcock's peak, when films such as *Rear Window* and *Vertigo* were passed over or condemned. It was in France and even in England that a few spectators saw those pictures and recognized that some strange beauty had occupied the screen. In our day a critic can note the same thing with, say, *Mulholland Drive* or Paul Schrader's forthcoming *Auto Focus*. Lane has not yet proved himself in that way, and he may ask himself how far his caution comes out of the habit of making such good fun of the movies. We have the reviewing strategies and styles of an age despairing of magic, wit, and feeling. Will something happen to restore the busy years that Kael enjoyed? I hope so, though Kael herself was very shrewd on the commercial practices that make such a restoration unlikely—and those systems have set in with a vengeance since she retired. Is Lane meant to pass the next thirty years getting off with increasingly artificial jokes at the expense of movies that we love to hate? He is far too good for that. I hope that, very soon, he will pass on to novels, to plays, or to some large work on Anglo-America. God save him from the most likely and soul-destroying fate: screenplays. Though a season in that hell might make him wounded and angry, and at the moment he rather suffers from being unscarred.

Lane writes for a magazine in New York but he lives in London, and in his introduction he records that he must have crossed the Atlantic at least one hundred fifty times in the last decade, traveling to and from Manhattan screenings. That is a rare torture, and a great concession to keeping his family English. But I want to ask more: that a writer as good as this trying to discuss the relationship between America and its films (and that is, inevitably, the core of his task) become more committed to America, to its size and space, its mixture of pity, terror, and the ridiculous, of the monstrous and the banal. Kael was very American; it was the fiber in her meat, the texture of her abrasive soul. Lane is keeping an emotional distance that can only assist and abet the air of snobbery or condescension that attaches to his writing (and which has earned the spite or envy of some of our Jacks and Algies—all longing to be called Ernest). It is the notion—very prevalent in Britain—that America and its movies are too much, too silly, too excessive. All true, and all so urgent that we need an American to say so. If Anthony Lane is to become more than a brilliant film reviewer, then he needs to live in America. It is the best advice I can offer. And I think it might be fun—as in fun to run a newspaper, the sport that made Charles Foster Kane famous, and that destroyed him. ■

Discourtesies

By ADAM KIRSCH

Steal Away: Selected and New Poems by C. D. Wright

(Copper Canyon, 238 pp., $25)

THE MOST PROFOUND division in contemporary poetry is not between formal and free verse, or academic and populist verse, or confessional and experimental verse, though these antiquated battles are still being fought. More important than all these contests, and in some sense underlying them, is the opposition between courteous poetry and discourteous poetry. I use the terms in a particular sense: courtesy in poetry does not have to do with politeness, or middle-class decorousness, or prettiness. All modern poets have agreed in rejecting these qualities as incompatible with artistic integrity. Poetic courtesy is rather a question of how the poet approaches his or her reader. And this, I think, is the central choice from which many decisions about style and subject flow.

The courteous poet meets his ideal reader on conditions of equality. He approaches language as a medium of communication, which must be brought to a height of precision and eloquence to move and to delight the reader. As a result, care is taken to bring the poem into the open region shared by reader and writer, where it can be delivered with artistic generosity. Concretely, this means that the courteous poet will try to make clear the situation of the poem, its basic grammar and concepts, and its emotional atmosphere. Reference and allusion will be used to deepen understanding, on the assumption that reader and writer share a common literary tradition. Formally, such a poet will naturally

ADAM KIRSCH's book of poems, *The Thousand Wells*, has just been published by Ivan R. Dee.

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gravitate toward meter and rhyme, which knit the poem to the traditions of English verse and provide a pattern to guide the reader's expectations. This emphatically does not mean that the experience offered by the poem will be inoffensively "pleasant"; it means simply that the poet's knowledge—even of extremity, perplexity, tragedy—will be made coherently available to the reader, so that it can be genuinely shared.

For the discourteous poet, by contrast, novelty and complexity are the fundamental values, both because they provide aesthetic pleasure and because they differentiate the poet from his peers. The implied reader does not need to be invited or seduced into the poem; his presence is assumed, or ignored. As a result, no effort is made to avoid confusion about the subject or situation of the poem; confusion may actually be invited. If actual experience is the spur for writing, the finished poem will not reveal what event or feeling brought it into being; often the implication of incommunicability is an important part of the poem. Reference and allusion tend to be idiosyncratic and alienating, and form is conceived intellectually and theoretically rather than discursively or musically.

It is tempting to say that the first kind of poetry aspires to be a part of literature and appeals to a generally educated reader, while the second kind sees itself as a part of "poetry," almost a separate endeavor, and appeals to readers whose taste is formed on the poetry of the last hundred years. Both types of poet have produced work of the first rank—the history of Modernist poetry shows the tremendous power, under the right circumstances, of discourtesy. Yet the balance today has swung so far in the direction of discourtesy—it is the standard mode of writing and considering poetry in those precincts where poetry survives—that a cautionary and probing criticism of this practice of writing seems necessary.

One of the most influential of the discourteous poets, whose techniques can be seen everywhere in the work of younger poets, is C. D. Wright. (The poet and critic Stephen Burt, one of Wright's most sympathetic readers, has referred to this group as the "elliptical" poets.) *Steal Away*, a selection from twenty years of Wright's work, is especially valuable as a sort of time-lapse exposure of the development of those techniques. Wright's interest has consistently been in narrative, and the subjects of her stories—life in the South, and erotic life, especially within marriage—have remained much the same, from *Translation of the Gospel Back Into Tongues* in 1982 all the way to *Deepstep Come Shining*, her last full-length collection, in 1998. But Wright's narratives have become fractured, distended, and scumbled by discourtesy, so that the direct, prosy snapshots of her early work have given way to book-length riddles. Wright's techniques have become much more complex while her themes have remained similar, and so her work provides an excellent study in how the superficial challenge of discourtesy can accompany, and conceal, a fundamentally unchallenging criticism of life.

Wright's earliest poems tell stories of the working-class South that she obviously knows well. She writes compassionately of midwives, traveling musicians, and spinsters, hard-luck cases like those in "Libretto":

> Men piss in the ditch, on the toe of their shoes
> thinking it must be rain or hail.
>
> The feet of their women swell like a melon.
> Their ironing boards bow
> under the weight of beautiful linen
> they do for other women.

But these men and women remain types, representatives of a class and region, rather than individuals; and their stories are already familiar.

Wright herself was clearly impatient with the limits of this plain, sententious style, for in her next book, *Further Adventures With You* (1986), she began the explorations of narrative that make her work distinctive. The very title of "Libretto" had suggested an alternative way of telling a story, though the poem itself does not exploit the operatic idea. Now "Treatment" attempts to capture the fluidity of cinematic montage; and the poem's headnote—"This is a 16-mm film of seven minutes in which no words are spoken"—leaves it open to question whether Wright is describing an actually existing film, or creating one of her own:

> A girl dresses in purple in the
> dark. She feels along the wallpaper to the kitchen, fixes oatmeal,
> warms coffee to which she adds globs of honey. She makes a
> sandwich for lunch. She starts to eat out of the pot on the stove....
> When she
> goes back upstairs to comb her hair and make an irregular part, to
> tinkle—she hears her parents. Their
> bedsprings. A shot of them
> under many covers....

There is nothing especially adventurous here. The continuous present tense and the accumulation of details are all well-established literary conventions for imitating film, and Wright's long and arbitrarily broken lines come so close to prose that there is no verbal rhythm to complicate the rhythm of the scenes.

But "Treatment" is only Wright's first step in the de-familiarization of narrative, stripping away the storyteller's voice. Something similar happens in "This Couple," where the lovers are reduced to a series of details:

> Jukeboxes
> we fed. Quarters circulating with our prints.
> Things we sent away for. Long drives.
> The rain. Cafes
> where we ate late and once only. Eyes of an animal
> in the headlamps....

This technique, which in a later poem Wright aptly calls "shining the particulars," remains well short of discourtesy, because the implied narrative is so familiar that the details slide readily into place. These are the things of which a couple's common life is built, and the homely, affectionate quality of Wright's re-telling suggests a woman shuffling through a photograph album. Indeed, marriage, or at least coupledom, is Wright's persistent theme, and she returns to it in the much-changed idiom of her later work.

The most suggestive poem in *Further Adventures With You*, the one that shows where Wright is heading, is "Provinces." It is another narrative-by-detail, but this time there is a noticeable slippage between one particular and the next, so that the "backstory" becomes more difficult to reconstruct. The subject of the story is, presumably, the poet, but instead of a proper name or "I" or even "she," it is referred to only as "the body." This "body" is assigned characteristics and experiences that do not seem to fit together, like pieces from different jigsaw puzzles all mixed up:

> Once the body had ambitions—to be tall and remain
> soft. No more, but it enjoys rappelling to the water.
> Because the body's dwelling is stone, perched over water,
> we say the body is privileged....
> Because the body lives

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so far from others, it likes reading about
checkered lives
in the metrópoli. It likes moving around
at night under its dress.
When it travels, bottles of lotion open
in its bags.

A part of the strangeness of the poem comes simply from the use of "body" in place of a pronoun. At times this seems appropriate—it calls attention to the sensual dimension of experience, such as "moving around under its dress"—but elsewhere it is jarring, as when the "body" has ambitions or reads books.

More profoundly, the poem remains strange because of Wright's eccentric selection and arrangement of details. Individually, each detail is clear, even ordinary; but why is it significant that "the body's" bottles of lotion open in its bags, or that it enjoys rappelling? We can understand the essential qualities of the body—its loneliness, its aging, its restlessness—but there remains something random and undefined about it. And this deliberate withholding of the whole story, this placing of the reader at a disadvantage, has become the main strategy of Wright's poetry.

WRIGHT'S NEXT BOOK, *String Light* (1991), marks the key transition in her work so far. In poem after poem, a story or a situation is presented in a code that is left to the reader to interpret. In "King's Daughters, Home for Unwed Mothers, 1948," the scene of a young woman giving birth erupts into a swirl of details:

Out of her issues:

Volumes of letters, morning glories on a
string trellis, the job at the
Maybelline factory, the job at the
weapons plant, the hummingbird
hive, her hollyhocks, her grandmother's
rigid back next to her
grandfather's bow. . . .

These are the data of the young mother's life, and they resolve into the story of her seduction and abandonment. This reduction of a human life to snapshots gives the poem a certain momentum; but it also exposes the limitations of Wright's method, for the hustle of detail leaves little room for genuine intimacy with the woman whose experiences are being catalogued. One thinks of how similar young women in Larkin ("her mind lay open like a drawer of knives") and Lowell ("he stalls above me like an elephant") are brought to life by simile, while Wright's is pinned to the page by detail. The number and the variety of characteristics have multiplied, but this woman remains a type, like the characters of "Libretto," because external details cannot snare her interiority.

Elsewhere in the book the formal experiments are still more obtrusive. In "Remarks on Color," we have a series of numbered details:

6. condensation off soybeans
7. someone known as Skeeter
8. his whole life
9. flatbed loaded with striped melons
10. Lopez's white car at JB's mother's
house

And in "Why Ralph Refuses to Dance," Wright braids two stories in alternate lines, Ralph's conversation with a woman and his internal monologue:

Who do you think I am, she said,
a broom.
looking at the moon's punched-out
face
No, he mumbled, saxophone.
think about Lily coming down the
staircase
At the tables they whispered about him
her crushed-velvet chairs. . .

And in "More Blues and the Abstract Truth," punctuation does the work of encoding:

Again. And. Again.
With the wine. And the loaf.
And the excellent glass
of the body. And she says,
Even. If. The. Sky. Is. Falling.
My. Peace. Rose. Is. In. Bloom.

These are all discourteous narratives, in which Wright violates the usual rules of storytelling and grammar, but still only mildly. One can quickly ascertain the key to each poem—montage, alternation, punctuation—and re-assemble the story it conceals.

Yet what one discovers after performing this operation is a disappointment: a point of view, an understanding, that is considerably less novel and challenging than the technique in which it is expressed. The grandmother's words of wisdom in "More Blues"—"even if the sky is falling, my peace rose is in bloom"—amount to an exhortation to love the little things, or even to stop and smell the roses. In other poems, this encouraging word is spoken still more clearly:

The machine's vocation was to type, but
its avocation
was to tell everyone up before light, I love
you, I always will; to
tell the sisters waiting on their amnio-
centeses, Everything's
going to be fine.

This affirmation, tinged at times with an echo of 1960s radicalism, is Wright's true note. We are left with the paradox that a discourteous poet can be warmly welcoming, while a courteous poet can be genuinely tragic.

THIS PARADOX IS taken still further in *Just Whistle* (1993), whose subtitle—"a valentine"—points again to Wright's essentially affirmative erotics. This book-length poem alternates between fulsome grandiloquence and cryptic minimalism, with the governing plot thoroughly buried, if it exists at all. On the one hand, there are hymns to the concrete of a kind common in contemporary poetry:

. . . the panties, which
the body had not really noticed so used
was the body to the
cloth, the plight of their facticity, the
elastic in the legs and the
waist not being felt, the discoloration
having blended them
perfectly with the flesh, no line or hair,
neotenous, and there
being very little moisture, except for the
thinnest issue of piss. . . .

Such praise of the banal is not exclusive to poets; John Updike has written with a similar rapture about underwear. Of course, it is possible to feel awe at the "facticity" of the ordinary; but the reader is not made to share in this awe merely by an extended description of the ordinary. Wright's method of surrounding the object with details, rather than capturing its essence in one sure stroke, leads to a very Southern-sounding orotundity, as in this panegyric to the vagina:

Hole of Holes: world in the world of the
os, an ode,
unspoken, hole in its infancy, uncuretted,
sealed, not yet
yielded, nulliparous mouth, girdle against
growth, inland
orifice, capital O, pore, aperture to the
aleph. . . .

Yet side by side with such genial rhapsody we find the most angular and extreme discourtesy—poems in which the action, the situation, the grammar, and the purpose are deeply obscure.

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It is one thing when Wright performs cut-and-paste with a famous Hopkins poem:

> No. It Worst. Destroys. None. Possibility.
> Pitched. Of.
> Friendship. Past. With. Pitch. Others. Of.
> It. Grief.

As in "Why Ralph Refuses to Dance," reading this poem is a matter of separating out Hopkins's and Wright's alternating voices. This operation yields Wright's gloss on Hopkins's sonnet "No Worst, There Is None": "It destroys possibility of friendship with others..." and so on. Wright has simply interleaved the brilliant despair of Hopkins's poem with her own, considerably less brilliant, expression of unhappiness, a maneuver that allows her to borrow Hopkins's eloquence while signing it with her own technique.

But this is downright perspicuous compared with "A Brief and Blameless Outline of the Ontogeny of Crow." "Crow" threads its way through *Just Whistle* as a code word—often, it seems, for the female genitalia—but its meaning is not elucidated by this poem:

> Tonight one said Bluets the other said
> Goosefoot one said Hungry the other said
> Hangnail it said Spanish bayonet it said
> Daylilies it said Hotel it said
> Matches it said Sickle senna it said....

In this extremely discourteous poem, everything that might orient the reader has been withdrawn: the identity of the speakers (including their gender and even their personhood), their tone of voice, the real subject of their conversation. Yet the grammar of dialogue is retained, inviting us to try to hypothesize some situation in which this exchange might take place. It is a prime example of what Donald Davie called "syntax as music": "The whole play of literal meaning, in fact, is a Swedish drill, in which nothing is being lifted, transported, or set down, though the muscles tense, know and relax as if it were ... [this] sort of poetry, where it retains forms of prosaic syntax, only seems to make use of them."

Some twenty pages later, Wright gives us a clue with this passage of near-prose:

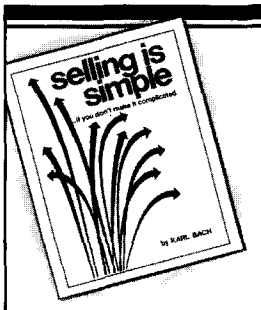
> Everywhere were bluets and Spanish
> bayonets, goosefoot, morning glories and
> daylilies, purslane and
> clotbur and panic grass and feverfew.
> Especially in a circle at
> the center, sickle senna grew in
> extraordinary regeneration....

We recognize that the plant names from the earlier dialogue have now taken their place in a passage of ordinary discursive prose, but we still have no idea what is being described or why. A reader of the original edition would be permanently at a loss. In *Steal Away*, Wright has surrendered her obscurity to the extent of adding an introductory note, in which she mentions (without a specific page reference) "borrowing descriptive terms of the teeming botanical aftermath of the bombing of Japan from John Hersey's shattering book *Hiroshima*." Since this seems to be the only passage to which the note could refer, we can finally "solve" the reference: Wright has taken over Hersey's description of regrowth after destruction as a symbol of the emotional regrowth her poem charts.

Yet this use of allusion, especially in its original and unannotated form, entirely defeats the function of allusion, which is a courtesy: allusion exists to remind the reader of precedents and to establish an orientation for reading. The Hersey passage is not one that the average reader could be expected to identify, and nothing in Wright's poem suggests its origins or tone; and the permutation to which she subjects it, turning it into a dialogue between nameless entities, alienates it still further. If a name is dropped in the forest and there is no one to hear it, does it make a sound? This use of technique without concern for the likely response of an actual reader, this sense that the poet sees her poem from within and does not release it into openness, is a hallmark of poetic discourtesy.

Tremble, the collection of lyrics that followed *Just Whistle* in 1996 (and the last book substantially represented in *Steal Away*), extends and confirms Wright's control of elliptical narrative. A reader who has followed her to this point knows what to expect: implied stories that cannot be elucidated, but that revolve around the celebration of sexual intimacy. In "Sonic Relations," we do not anticipate that "she mentioned ralph and fire/twice mentioned ralph/ and the fire" will be followed by any further specification of she, Ralph, or the fire. It is a brazen example of what Yvor Winters categorized as "pseudo-reference," specifically "reference to a non-existent plot"; and even if the plot did really exist, or does exist for the poet, it remains nonexistent for the reader.

Similarly, in "Flame," we know that Wright will leave it to us to resolve her pointillism into a coherent picture:



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the breath	the lane	the streak
the lining	the hour	the reasons
the name	the distance	the breath
the scent	the dogs	the blear

Nor will we flinch at the inconsequence and eccentricity of the list in "Autographs":

> Weather: late ozark spring
> Soft entry: it can be done
> Strangest device: cock rings
> Preferred intervention: human hand
> Source of common terror: retina
> Wish: to never know unhappiness again
> State flower: bearded iris

It is unnecessary to multiply examples. As this last passage shows, whatever the surface confusion, the essence of Wright's poetry is celebration, reassurance, affirmation, especially as these are found in sex. In a poet generally obscure, it is significant that her clearest statements bring news to which no one could possibly object:

> It is
> just so sad so creepy so beautiful.
> Bless it. We have so little time
> to learn, so much... The river
> courses dirty and deep. Cover the lettuce.
> Call it a night. O soul. Flow on. Instead.

That final "instead" may be a mystery, but when it is proceeded by so much blessing and beauty, it cannot be a challenge. As C. D. Wright's work shows, difficult form and ingratiating matter is a far less interesting combination than difficult matter and courteous form. ■

CORRESPONDENCE

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your attention a significant misquotation ("Fighting Words," September 9 & 16). Lears asserts that the following sentence does not make sense: "Union soldiers of all ranks, ethnicities, and levels of education were motivated to fight because they perceived secession as an unacceptable subversion of the hallowed idea that a generalized communicative consensus buttressed by a verbal artifact could achieve a force equivalent to the physical coercion that attacks monarchy." This sentence does not make sense because it is a misquotation. Lears has replaced the original "underwrites" with its near opposite, "attacks." This misquotation, I think, gets to the heart of my book. "Underwrites" connotes a system of coercion that in part builds itself through linguistic practices (writing, speaking) and that therefore can be resisted effectively through linguistic practices. It takes seriously the moral and political force of nonviolent intervention, which we see most dramatically in the work of humanitarian organizations that stand weaponless in the field of war, defending the powerless often with words alone.

JAMES DAWES
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JACKSON LEARS REPLIES:
I apologize for the error, which was based on my reading of the bound galleys. Still, my main point stands. The real problem with the passage is not that it is logically nonsensical but that its flurry of abstractions fails to capture the motives of men going to war.

Boomtown

TO THE EDITORS:
In the first part of "Busted" George Soros deftly outlines the nature of boom and bust market behavior (September 2). The theory of reflexivity is a step in the right direction, but it misses the big picture. Soros's article sounds like an echo of the sentiments expressed in 1932. Then, as now, many prescriptions for controlling the behavior of market participants were implemented. Indeed, shortly after each bear market dating back to the Depression—1933, 1934, 1940, 1970, 1974, and 1988—legislation was introduced to protect investors with the intention of producing a more stable investment environment. What happened?

As stocks broke out of their slump in the early '80s, an improving social mood brought forth a new set of "values": market fundamentalism. After the 1987 hiccup, the markets (social mood) gained a full head of steam and the "protections" offered in the previous bear markets were altered, ignored, and ultimately scoffed at, reflecting the blossoming euphoria and the desire for "financial gain irrespective of how it is achieved."

Bear markets produce regulation in response to the public's demand for protection, and bull markets dissolve them. As Mr. Soros points out, investors put a premium on management's ability to massage the numbers; outrageous stock valuations (euphoria) result in equally outrageous social events. From this perspective the concept of equilibrium seems mighty strange, for the market is in constant flux. Mr. Soros's search for just the right amount of legislation and the proper values hints at "equilibrium seeking." However, no such thing exists or has ever existed. The ceaselessly repetitive patterns of social mood drive social action—from despair at major market lows to unbounded optimism at market highs. The silver lining of the current bear market may be the paradigm shift away from the search for market equilibrium(s) and toward a model that reflects an obvious reality: that social mood governs social action.

GORDON GRAHAM
The Socionomics Institute
Gainesville, Georgia

Live wire

TO THE EDITORS:
John B. Judis starts with bad facts that lead to worse conclusions in assessing U.S. broadband policy ("Cable Access," September 2). For example, he states, "[O]nly 12 percent of homes with Internet service" use broadband and concludes that this is "not nearly enough to spark widespread new investment." Facts: Of the 69.1 million homes with Internet service, 16.2 million, or over 23 percent, have DSL or cable broadband. While that's not everyone, it's an impressive take-up rate for services that didn't exist a few years ago. As for new investment, cable companies have spent roughly $60 billion upgrading plants since 1996 for broadband and other services. By year's end, approximately 86 percent of U.S. households will have broadband service available.

Cable's early lead in residential broadband spurred deployment by phone companies that had warehoused DSL technology for a decade. Contrary to Judis's claim that "[c]able and phone companies rarely compete with one another," there's a battle for residential broadband between the two industries. Competitive high-speed Internet offers abound, and cable modem–DSL radio and TV ad wars are common. And there's the broadband ISP choice as well. Telephone companies provide service under their own labels and have deals with EarthLink, America Online, and others. Likewise, cable operators, including AT&T Broadband, Time Warner Cable, and Comcast—the nation's three largest—have deals with EarthLink, Juno, and others, all without the need for government edicts.

The Federal Communications Commission's (FCC) current market approach to broadband development, which was the same approach taken by the Clinton FCC, has led to investment and competition. The cable industry agrees with Judis's sug-

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gestion of government grants for the last mile in rural areas where service might not otherwise be cost-justified by either cable or telephone companies. But his broader call for "strong government regulation" is a mistake and would lock up, not free up, the broadband market.

ROBERT SACHS
President & Chief Executive Officer
National Cable & Telecommunications Association

TO THE EDITORS:
The "strong government regulation" of telecommunications Judis searches for is not so hard to find. It is the primary cause of 70 bankruptcies (with 23 more on the way); $150 billion in corporate defaults; 500,000 lay-offs; and the disintegration of $2 trillion of market value. Not to mention a cascading depression in microchips, software, and fiber optics.

Judis blasts FCC Chairman Michael Powell for not forcing the Verizons and the SBCs to "open their lines" to competitors. Huh? What does he think the excruciatingly complex regulations known as TELRIC (total element long run incremental cost) and "line-sharing," in place since 1996, are all about?

Instead of fostering competition, however, these anachronistic mandates have only discouraged the massive and risky investment it takes to build a completely new local telecom infrastructure. Far from helping consumers or driving down prices, these rules have increased prices by mandating at least three layers of service providers and prevented many consumers from getting any service at all. It's pretty simple: No one—not even the Baby Bells—can afford to invest when there is a guaranteed negative rate of return.

Artificial, profitless, government-imposed "competition" is almost always a lousy idea but especially so in a leading-edge, dynamic technology like broadband communications.

BRET T. SWANSON
Executive Editor
Gilder Technology Report
Great Barrington, Massachusetts

JOHN B. JUDIS REPLIES:
The Progressive Policy Institute's 2002 report on the digital economy states, "While over 70 percent of households have broadband telecommunications available to them, only 12 percent actually buy it." One hopes that this figure—from earlier this year when my article was written—is now larger, but I haven't seen anything as large as those Sachs cites. As for competition between cable and phone companies, there has been an implicit division between the two. Cable has about 75 percent of household broadband connections, and the phone companies' DSL has about 90 percent of business broadband connections. In many areas consumers can't shop between the two or don't have the choice of competing cable services, which is why prices rose last year. In my area of Silver Spring, Maryland—not exactly the sticks—I could find only one choice, Comcast. Verizon, the local Baby Bell, does not offer broadband to my house. Nor do my two dial-up services, AT&T WorldNet and America Online. Consumers who buy broadband also don't have the same range of choice among Internet providers that dial-up subscribers can still get. There are 15 Internet service providers (ISP) for every 100,000 dial-up subscribers but fewer than two ISPs for every 100,000 broadband subscribers. Affiliates of cable and phone companies also have a 95 percent share of the broadband market. That's a recipe for monopoly, not competition, and it calls for government intervention. Bret Swanson thinks the key to growth and low prices is to promote unregulated monopolies. That's the point of view taken by the Baby Bells, but a century of economic experience suggests otherwise.

Strong suit

TO THE EDITORS:
The July 22 Notebook item titled "Corporate Fraud Hypocrisy Watch" is inaccurate and false. Senator Christopher Dodd did sponsor a 1995 bill—which was supported by wide bipartisan majorities in both the House and Senate—that sought to curb unwarranted and frivolous lawsuits, but it fully allowed people to sue to collect from companies that engaged in fraud. Also, the piece erroneously suggested that Dodd opposed a U.S. Securities and Exchange Commission (SEC) plan two years ago to ban accounting firms from consulting work. He did not.

MARVIN FAST
Office of Senator Christopher J. Dodd
Washington, D.C.

THE EDITORS REPLY:
We stand by our report. Fast claims the 1995 Private Securities Litigation Reform Act bearing Dodd's imprimatur only blocks "frivolous" lawsuits. What the act blocked were suits predicated on the assumption of securities fraud, not previously obtained evidence. Those suits would enable investors to use the legal procedure of discovery to unearth crucial evidence of wrongdoing. But under Dodd's act, evidence of fraud has to first be public for cases to proceed—and unless cheated investors have Sherron Watkins's phone number handy, such a threshold excludes far more than truly frivolous cases. As to Dodd's position on the Levitt plan to stop accounting firms from consulting their clients, the senator urged compromise between the SEC and Big Five accounting firms. Trying in 2000 to forge a middle path between honesty and deception is hardly a position consistent with Dodd's outrage in 2002. ■

The editors welcome correspondence from readers. Please address letters to Correspondence, TNR, 1331 H Street NW, Washington, D.C. 20005 (letters may also be sent electronically to tnr@aol.com). All letters should include the writer's full name, address, and telephone number; be typed double-spaced; and be fewer than 200 words. Letters may be edited for space and clarity. Please do not send letters via fax.

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WASHINGTON DIARIST

Our Town

DON'T GET ME WRONG: I despise Washington, D.C., as much as the next ex-New Yorker. I've lived here for more than three years, but I still get teary every time I leave New York City, where I went to college and always hoped I would end up. But what's this about New York being the "de facto capital" of the United States? The Founding Fathers "got it right the first time" when they put the seat of government in New York, Frank Rich wrote in last Sunday's *New York Times Magazine*. But ever since Alexander Hamilton sold out the Big Apple and Thomas Jefferson moved the capital south, the nation has suffered. Now, Rich claims, something has changed: "While New York has long been the nation's center of culture, finance, fashion, and media, the city in the aftermath of Sept. 11 cohered into something more than the sum of its perennially celebrated parts." New York has become the "true American capital," with its own head of state (Rudy Giuliani) and its own monuments (the Statue of Liberty).

IN CONTRAST TO ITS DYNAMIC NEIGHbor to the north, Rich writes, Washington is bleak, prudish, and just plain boring. It has neither a great university nor a baseball team. Even Las Vegas and Seattle have better restaurants. The weather is "toxic." No great songs have been written about it. The White House Correspondents' Dinner attracts "B-list" celebrities. The taxis have a "suspect fee structure as gerrymandered as the map of Congressional voting districts." When Mayor Anthony Williams's staffers were fabricating petitions, they had to borrow "New York celebrities like Martha Stewart"—who is from New Jersey. The best Washington can offer, in Rich's view, is "a profusion of shade trees."

COUNTERING THIS AGITPROP IS LIKE shooting fish in a barrel, but I'll allow myself a little sport. It's true that Washington doesn't offer the cultural resources of New York, but to call the Kennedy Center "an afterthought not even deemed worthy of its own stop on the city's part-time Metro system" reaches way beyond the mark. The National Symphony Orchestra has one of the most adventurous new-music programs in the nation, with six world or U.S. premieres this season. George Balanchine's protégée Suzanne Farrell, exiled from the New York City Ballet, set up shop at the Kennedy Center last year to tremendous reviews. And that "part-time Metro" is one of the best transportation bargains in the country, especially since it's now open until 2 a.m. on weekends. It feels safe, too. By that hour in New York, I'd rather take a cab.

WHILE RICH CITES THE FILM *MINORity Report* as evidence that crime will define Washington far into the future, one need only flip a few pages in the *Times Magazine* to see one of the most depressing spectacles of poverty imaginable: a Brooklyn mother and her 14-year-old son doing drugs together. And the Chandra Levy case is starting to bear more and more of a resemblance to the Central Park jogger. When it comes to white-collar crime, Rich claims that only Houston rivals Washington's "complement of former Enron executives," but again the *Times* itself contradicts him. "[I]f you have to choose the primary breeding ground for the various business misdeeds now consuming national attention," Kurt Andersen writes several pages later, "New York, I'm afraid, is the place." In her inaugural column for the *Times* of London last week, New Yorker Tina Brown lamented that half her lunch partners are "in handcuffs [or doing] the perp walk."

RICH IS RIGHT TO EMPHASIZE WASHington's lack of voting representation in Congress as a serious problem. With uncharacteristic spirit, the DMV last year adopted "Taxation Without Representation" as the city's default license-plate slogan. But Rich alleges that the "sub rosa" reason for the District's ongoing disenfranchisement is its majority-black population: "Given the Republican Party's inability to attract large numbers of black voters, it has hardly been in any rush to empower more of them." Isn't the real issue that the city is majority-Democrat, not that it is majority-black? This is more than a semantic difference, because Rich is charging Congress with nothing less than institutionalized racism: "Nowhere in the country is the plantation mentality still more embedded in civic life than in an African-American city whose citizens lack the full rights of citizenship." A few of us whites live here, too, and we're not represented either.

EVEN AS RICH CRUSADES ON BEHALF of the District's black residents, he complains that the capital lacks the "ethnic spectrum" of other major cities, pointing out that in the 2000 census, New York's Asian population amounted to "almost 10 percent of the city's eight million inhabitants"; D.C.'s Asian population, by contrast, was a meager 2.6 percent. But Rich is overlooking the communities on the other side of the Potomac to which many immigrants now gravitate. Arlington County, in the same census, was 8.6 percent Asian and 18.6 percent Latino. Those numbers are rising: In the 1990 census, the county was 6.8 percent Asian and 13.5 percent Latino.

D.C. WITHOUT ITS VIRGINIA AND Maryland surroundings is like Manhattan without the outer boroughs, San Francisco without Oakland and Berkeley, Boston without Cambridge and Somerville. (I'm assuming Rich has Cambridge-based Harvard and MIT in mind when he says "Boston" is America's education center.) Bailey's Crossroads, a Virginia suburb, has the most authentic Thai food in the region—something new for someone accustomed to New York's dreary pad Thais and curries. A nearby pocket is nicknamed "Little Vietnam." And the suburbs aren't just good for food: A few weeks ago I heard the pianist Santiago Rodriguez, considered sone of the world's foremost interpreters of Rachmaninoff, perform with the Arlington Symphony at Northern Virginia Community College. Rodriguez won't be appearing at Lincoln Center this fall.

BUT MY POINT IS NOT THAT WASHINGton is New York's equal in food, entertainment, or for that matter anything else. It isn't. Rich overstates his case, but there *are* nights when you really have to search for something interesting to do in Washington. And monuments and quaint Georgetown houses aside, the city isn't a feast for the eyes. Rich is wrong, though, to assume that this lack of action makes Washington less than ideal as the nation's capital. "As the country's official capital, [Washington] is to New York as Ankara is to Istanbul, Canberra is to Sydney, Brasilia is to Rio," he laments. So it is. See a pattern? A capital doesn't have to reflect the "heart, soul and brains" of a country. It doesn't need to be the place people look to find out what to wear, what to read, or what to see. The purpose of all those big gray buildings that would be at home in downtown Kiev isn't to be attractive. The capital is where government gets done, and it is the city's stodginess that permits its focus on that one very important but not particularly glamorous task. The fewer distractions, the better.

RUTH FRANKLIN

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What about Iran?

Michael McFaul is the Peter and Helen Bing Research Fellow at the Hoover Institution and an associate professor of political science at Stanford University.

President Bush has outlined a strategy for dealing with Iraq but not with Iran. Although the goal may be the same—democratic regime change—the options being discussed for Iraq do not apply to Iran. Because the fate of the two countries are intertwined, it is imperative that President Bush explicitly make the distinction and articulate his policy toward Iran before proceeding with his plans for Iraq.

The Bush administration must stop treating Iran as a unitary actor and instead recognize and support the allies of liberty there, while seeking to contain the capabilities and ambitious plans of their enemies.

The promotion of liberty in Iran requires a new engagement with democrats within the country, in both the state and the society. Iranian president Khatami is not, as some insist, the Gorbachev of the anti-Islamic revolution because he does not control the guns. Nor has a Yeltsin-like figure (i.e., someone determined to destroy the ancient regime rather than reform it) emerged in Iran. Still, the parallels between the late Soviet period and the current situation in Iran are striking. Those in Iran who do control the guns (and the courts, economy, and media) are the same corrupt dinosaurs who are trying to keep afloat a revolutionary regime that has lost its spark and repress a society eager for change.

This analogy suggests a similar strategy for American foreign policy—sustained praise for and encouragement of reformers within the state and quiet support, including material support, for societal actors seeking to change the system altogether. Senior U.S. officials should meet directly with Khatami. In parallel, the Bush administration should launch an active engagement strategy with Iranian society, including more broadcasting time for Radio Free Europe targeted at Iran, more exchanges between scholars, business people, and think tanks, and more educational opportunities for Iranian students in the United States.

In engaging the democratic side of state and society within Iran, the Bush administration also must do more to contain the antidemocratic forces. Most important, President Bush must call on his friend in Moscow, Russian president Vladimir Putin, to stop selling Iran nuclear technologies. The Bush administration should also insist on an international weapons inspections regime in Iran.

Finally, Bush should state clearly that the United States will not invade Iran. **The current ambiguity about American plans for Iran strengthens hard-liners and weakens the prodemocratic movement because no one wants to appear unpatriotic.** Bush should also state his preference for maintaining the territorial integrity of Iraq and Iran so that Iranian militants do not delude themselves into thinking they could seize part of a weakened Iraq and so that Azeris within Iran do not aspire to independence in a democratic Iran.

The demise of the last radical fundamentalist regime in the Islamic world would represent a great defeat for those such as Osama bin Laden who aspire to create such regimes. A democratic and Islamic Iran would be a powerful positive model for the region.

— Michael McFaul

Paid for by the Hoover Institution, Stanford University.

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